By Mr. SANDLIN: A bill (H. R. 3485) granting an increase of pension to Emma J. Fouts; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 3486) granting a pension to Susan Shellito; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 3487) granting a pension to Sarah E. Swick; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 3488) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 3489) granting a pension to Florence Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

524. Petition of the League of Women Voters of the Territory of Hawaii, urging Congress of the United States to amend the organic act of the Territory of Hawaii to enable women to serve as jurors; to the Committee on the Judiciary.

525. By Mr. BAIRD: Petition of 28 members of Woman's Relief Corps, No. 85, of Bowling Green, Ohio, requesting that the Invalid Pensions Committee be organized at the present session to permit action on the Robinson bill, providing for a pension of $50 a month for widows of Union veterans of the Civil War; to the Committee on Invalid Pensions.

526. By Mr. CULLEN: Petition of employers and workers of the Philadelphia (Pa.), Camden (N. J.), and Wilmington (Del.) kid-leather producing district, petitioning Congress to provide for a tax of 20 per cent on finished kid leathers imported into the United States, as well as a duty of 30 per cent in glove leathers and leathers made from the skins of reptiles and fish; to the Committee on Ways and Means.

527. By Mr. GARBER of Oklahoma: Petition of the National Grange, urging support of the debenture plan of farm relief; to the Committee on Agriculture.

528. Also, petition of the Enid Ice & Fuel Co., Enid, Okla., in opposition to the proposed increase in tariff on granulated cork and cork board; to the Committee on Ways and Means.

529. Also, petition of the Louisiana Tax Commission, urging the levying of an import duty upon crude petroleum of not less than $1 per barrel; to the Committee on Ways and Means.

530. Also, petition of the S. K. McCall Co., Norman, Okla., in opposition to the proposed increased tariff rates on ladies' overseamed hand-sewed kid and lamb gloves; to the Committee on Ways and Means.

531. By Mr. McCORMACK of Massachusetts: Petition of Nathan Goldberg, 1100–A Blue Hill Avenue, Dorchester, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

532. Also, petition of Massachusetts Department, Veterans of Foreign Wars, Joseph H. Hanken, commander, Boston, Mass., urging extension of section 14, World War veterans' act, as amended May 29, 1928, as less than one-half of 1 per cent of veterans affected in Massachusetts are acquainted with their rights and it is too late for them to commence suit now; to the Committee on World War Veterans' Legislation.

533. Also, petition of C. Brown, 401 Broadway, South Boston, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

534. By Mr. MICHENER: Petition of sundry citizens of Wyandotte, Mich., asking for organization of the Committee on Invalid Pensions for consideration of the Robinson bill at the special session of Congress; to the Committee on Invalid Pensions.

535. By Mr. SPEAKS: Papers to accompany House bill 3438, granting an increase of pension to Anna O'Neil; to the Committee on Pensions.

536. Also, papers to accompany House bill 3439, granting an increase of pension to Rebecca A. Paugh; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *May 28, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of the pastor and members of the Methodist Episcopal Church of Punta Gorda, Fla., praying that the preamble of the National Constitution be amended so as to include therein the words "devoutly recognizing the authority and law of Jesus Christ, the Saviour and King of nations," which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the League of Women Voters of the Territory of Hawaii, favoring the passage of legislation amending the organic act of the Territory of Hawaii, so as to enable women to serve as jurors in that Territory, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES presented a petition of sundry citizens of Hoquiam, Wash., praying for the repeal of the national-origins provision of the immigration law and for the continuance of immigration quotas based on 2 per cent of the 1890 census, which was referred to the Committee on Immigration.

REPORTS OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1142) to continue during the fiscal year 1930 Federal aid in rehabilitating farm lands in the areas devastated by floods in 1927, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, reported it without amendment and submitted a report (No. 17) thereon.

PRINTING OF ADDITIONAL COPIES OF THE RECORD

The VICE PRESIDENT. The Senator from Alabama [Mr. HEFLIN] is entitled to the floor on the unfinished business.

Mr. HEFLIN. Mr. President, before I proceed with my discussion of the pending amendment to the census and reapportionment bill, I desire to reintroduce a bill which I had previously introduced in a former session and which was referred to the Committee on Printing. It is a bill to provide for an additional supply of copies of the CONGRESSIONAL RECORD to Members of Congress and other officials of the Government.

Mr. WALSH of Massachusetts. Mr. President, may I say that the Committee on Printing has had under consideration the bill which the Senator introduced at the former session and it has met with the approval of the committee? It will be immediately reported and action will be asked upon it. The committee has discussed the matter and is in full accord with the Senator's views on the question.

Mr. HEFLIN. I thank the Senator. Some additions have been made to the bill I now introduce. The committee thought and I thought that the various Government bureaus, the Federal Trade Commission, the Interstate Commerce Commission, and similar bodies should receive the CONGRESSIONAL RECORD daily and that no Government bureau should have to buy copies of the RECORD.

The bill (S. 1312) to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, was read twice by its title and referred to the Committee on Printing.

Several Senators addressed the Chair.

Mr. HEFLIN. Mr. President, I can not yield any further, because the introduction of bills, and so forth, would come out of my time. I trust that we can finish with the bill to-morrow night and that we can have a morning hour when all routine matters can be attended to.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT'S amendment.

EXCLUDING ALIENS

Mr. HEFLIN. Mr. President, the greatest constitutional lawyer, perhaps, in either branch of Congress, Representative TUCKER, of Virginia, holds that the amendment to exclude aliens is constitutional. I am heartily in favor of excluding them. The constitutionality of the question has been settled in a satisfactory manner, so far as I am concerned. Any Senator who wants to vote to exclude aliens, who wants to prevent in the future the sending of Members to Congress based upon alien population, can justify his vote on the constitutionality of the question by the speech on that subject by Congressman TUCKER, from Virginia.

But I think every Member is justified in voting to exclude aliens, because it is best for the country that they be excluded. We have a serious problem here in this question, one that affects the whole population, one that affects the present welfare and the future welfare of our country. The time has come for

action upon the question. The framers of the Constitution never dreamed that the day would come when there would be six or seven million aliens congregated in the United States, as we have them here to-day, filling positions that belong to Americans, organizing bands of marauders, committing all sorts of depredations upon the property of the American people.

Why, Mr. President, it is clear to my mind, from the language used in the Constitution, that they never thought that question would be a serious one in the United States. There were a great many people coming here from other countries in those days, but they were immediately being naturalized.

They were coming to this great free country and making themselves citizens of it at the earliest date possible. The framers of the Constitution expected that would continue. They never thought the day would ever come when we would become the dumping ground for the "smuggled-in" hordes and criminal refuse of foreign countries, when our great cities would become the habitat and rendezvous of crooks and criminals from every country on the globe, terrorizing the people of our country, holding up American merchants in their miserable racketeering schemes, robbing banks, terrorizing our people in various localities, kidnaping the children of wealthy parents, leaving father and mother frantic in their home with their child stolen and in the hands of a bunch of bandits who were demanding money or stating that they would take the life of the child.

That is going on here. I have a case in mind of a little boy who was kidnaped and held for a ransom of $60,000. One of those who was in the plot repented that he had joined in the commission of such a crime. His conscience hurt him. He realized what a crime he was committing against the father and mother, whose heartstrings were being torn out by those brutal criminals, and he told about it. Two others joined him. What do you suppose happend? He and the two who joined him have been murdered. Right here in the greatest Government in all the world we seem to have been helpless so far to deal with this bunch of alien criminals in the United States.

They are not only terrorizing those who have accumulated property but they are terrorizing the homes, they are holding up fathers and mothers, they are making their children a matter of bandit barter right here in the United States.

Mr. President, this Congress owes it to the people of the Nation to get rid of this bunch. I would deport them. I would like to have a census made and see how many of them are here. I know about the number, but I would like to have them interrogated again and asked "How did you get here?" and make them show whether they had come in under the provisions of our immigration law. I dare say that out of this number of 6,000,000 or 7,000,000, fully 5,000,000 of them have been smuggled into the United States. My God, think of Congress in the light of the facts before it permitting such a horde of aliens not only to remain in our country but to take jobs that belong to patriotic, law-abiding American citizens.

Not only that, but they are being counted just as Americans are counted in the matter of fixing the basis for sending Representatives to Congress. Think of that! The Constitution will not allow one of them to become a citizen until he is naturalized as the laws of the land provide. It will not allow him to hold office until he has been here for a number of years. It will not allow him to be President at all, and yet he is being used to send Members to the other branch of Congress.

Let me give you an illustration. Suppose we say that 7,000,000 aliens are here, and we put them all in one group. They would be entitled under the present unfair arrangement to about 30 Members of Congress. Is not that a fearful situation? What sort of a predicament are we in? Here is an alien group, we will assume for the sake of argument, smuggled in here and being used to send Representatives to Congress. They are not citizens of the United States. They violated our laws to get here. They have no right to be here, but they are here through the practice of deception and fraud, and now instead of deporting them you permit them to count their numbers and obtain Members of Congress upon alien population the same as you do the population of real Americans. You can split hairs on the constitutionality of this alien amendment, but the people back in the States can understand what I am talking about, and they know that I am right upon this question. We have no more right to give representation to such aliens than we have to give 30 Members of Congress to the same number of foreigners in a foreign country.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield.

Mr. McKELLAR. I call the Senator's attention to the fact that not only does it give additional Representatives in the House but it gives the same number of representatives in the Electoral College, by which we choose a President and Vice President of the United States.

While I am on my feet let me call the Senator's attention to this other fact that some of the great cities which are insisting upon alien representation in the bill have themselves decreed that in their own legislatures aliens shall not be permitted to represent the State.

Mr. HEFLIN. I thank the Senator. He has called my attention to a very important point. The Electoral College is increased in membership when a new Member of the House is added, and a presidential election may be determined by the alien population of the United States. And in that situation there lurks grave danger for this American Republic. Real Americans, native born and naturalized, go to the ballot box to select a President. It may be that the electoral vote of Americans is about equally divided. Then throw the alien vote in on one side or the other and they may decide the election of President and Vice President of the United States. These aliens now have 30 votes in the Electoral College, and during my public service I have seen the presidential election determined by fewer electoral votes than these aliens now have. Does not that fact present an alarming situation? That danger must be removed. No Senator has a right to vote to continue that very dangerous situation.

The gravest and most dangerous phase of this foreign menace, this alien problem, is found in New York City.

I have no doubt that the Tammany political machine has smuggled into the United States many hundreds of thousands of foreigners in the last few years. They have pushed some of them through the naturalization processes and voted them and voted the others, I am told, whenever their votes were needed. So it is hard in New York City to defeat a Tammany man, for if they know it takes 50,000 votes to carry the election they import them, it is claimed, smuggle them in. So there is a situation where Tammany, governed largely by foreign influences—by the alien vote—is in power in the largest city not only in this Nation but the largest city in all the world. The people of New York State realized there was danger in that alien situation in New York City for them. So they provided by a State law that alien population should not be used as a basis for sending members to the Legislature of the State of New York. If they there, close to the problem, realized how dangerous it was and they provided against it, how much more should we, coming from the various States of the Union, provide against permitting these alien influences to get a stranglehold upon the Government of the United States.

Mr. President, the Senator from Massachusetts [Mr. WALSH] asked yesterday what was the purpose of this amendment. What is the reason for it? I can tell what the reason is and what the purpose is, too. The purpose is to rid this Nation of the alien influences that are annoying and disturbing the peace and happiness of millions of Americans and gnawing upon the vitals of this American Government. Our purpose is to restore this Government to the ancient constitutional landmarks of the American fathers.

The purpose is to put this Government again in control and keep it in control of the American people. The purpose is to curtail and get rid of the dangerous alien influences that are operating here to overthrow free institutions in America. Well, what is the reason for it? The reason for it is to protect those institutions and preserve them for ourselves and for our children. Mr. President, no alien has the right to come here and take the job that belongs to an American. I recall a few years ago when the wolf of the far West presented a serious problem to the American farmer in that section of the country, the great flock masters on the plains with their sheep which they counted by the hundreds and the thousands. Those wolf packs would come down upon the sheep every day and destroy them. The American sheep raiser was being put out of business. He was not able to cope with the situation, and what did he do? He called upon the Government to relieve him, and the Government hired men with their rifles who killed those wolves that were eating up the farmer's sheep and destroying his business. The Government kept that up until it has relieved the farmer of that problem.

Now, what are you doing for the relief of American labor? A poor man, born and reared in America, coming of old American stock, or who as a real citizen has been here a long time, has a position, and is supporting a wife and children. Up comes one of these smuggled-in aliens, and he gets his job because he will work cheaper than will the American; cheaper than the American can afford to work and live decently and worthily. The American is driven out of his livelihood; he drifts back into the multitude of deserving Americans who have lost their jobs and he is listed in the army of the unem-

ployed. What has happened? A foreigner, smuggled in, perhaps, an alien, an unnaturalized person, has come here from a country where the people live cheaply, where the standard of living and the wages are low; certain influences here go to work to get him a job. His priest renders assistance. This alien goes out and tells the man in charge of an industry, "You put me in that fellow's place there and I will work for half the price he is getting." The American loses his job; out he goes into idleness; his means of making a living is gone and his wife and children go with him into poverty. You will not allow the Government to do anything for him; but you were willing for the Government to spend millions of dollars to kill the wolves in the West, which were devouring the western farmer's sheep and destroying the farmer's means of making a living. You are doing nothing to relieve the loyal American who supports his Government in time of peace and fights for it in time of war; whose job has been taken away from him by an alien, smuggled into the United States. Yet Senators quibble on this question and say that they would like to vote for the amendment, they would like to see it in the proposed law, but they are afraid that it is "unconstitutional." The people back home are going to apply their common sense to this problem; nobody is going to be deceived by that sort of argument.

I am going to vote for the amendment; I believe in it, and I believe that Congressman TUCKER, of Virginia, has shown beyond all question that it is constitutional. You who really want to vote in the interest of your country have got a real good reason in the argument that he has made to cast your vote to exclude these aliens. I am convinced that he is right and I am going to accept his judgment and cast my vote on the side of my country. All other Senators should do likewise. Then, if somebody wants to take the question to the Supreme Court, let him do so. It is of such colossal importance to the American people, that we are justified in presenting a situation where the Supreme Court will have to pass on it and decide whether it is constitutional or not. Let us give the court a chance to settle the question. It has got to be settled.

I am going to vote in behalf of the patriotic American who is being deprived of his right to make a living for himself and family. I am going to vote in behalf of the American girl who has to support herself, and in behalf of the American mother who is toiling that her children may live in decency, who is losing her job to an alien woman smuggled into this country, who takes her place and drives her and her offspring out into idleness and poverty.

Mr. President, this is one of the most vital questions that has been before the Senate in many a day. We rarely ever take up a newspaper in the morning that we do not see where a bunch of bandits, lawless criminal aliens, are terrorizing American citizens—doing all sorts of things in the big cities; and now they are reaching out into the interior. What are they doing in Chicago? We are told that it is an open secret that they go to the big merchants and tell them, "If you do not want your business plundered, your windows smashed, and your store entered in the night time, pay us so much per month"; and the bandit bunch, hiding around the corner, have their money doled out to them by the frightened merchants of the United States. Why? Because they live in dread and fear of these bandit racketeers, foreigners. Go read the list of their names. There is not a Senator in this body who can pronounce them correctly. That is a part of the problem before us. Then Senators talk about wanting to vote for the amendment if their conscience would allow them to do so. They had better not let their "conscience" pull any wool over their eyes on this great American question.

The American people are, as they should be, for this amendment as they have not been for any other particular proposition in a long time; there is practically no division among real Americans upon this question; no opposition to this proposal except in the great Roman Catholic centers in the United States. Who is it here in the Capital that is opposing this amendment? The Roman Catholic political machine. Who is it that is using all their influence to defeat this amendment and to muster every vote they can in this body to defeat it? The Roman Catholic leaders, the Roman Catholic hierarchy. Then, Senators, choose you this day whom you will serve, your own country—good government in America—or the Roman hierarchy; choose whether you will vote for the wage earners of America, the men and women who keep the machinery of our Government going, the men and women who are serving the teeming millions of our country, or whether you are going to vote to increase the political power of the Pope of Rome in the United States by allowing these aliens to have representation in Congress and in the Electoral College.

Why is it that the Roman Catholic Senators here vote solidly on that side when that question is raised? We have never seen it fail. When the Roman program and interests are involved they are there right on the job.

Mr. President, I ought not to be so universally abused by Roman Catholics because I want to preserve my Government in its American form. They ought not to call me bigoted and intolerant because I insist that religious freedom be permitted to live, for them as well as for everybody else. But all that is done, of course, for the purpose of misleading the people of the country as to my attitude on this question. I have repeated time and time again that I am not opposed to the Catholic having the religion of his choice.

I want him to have it; I would not permit anybody to deny him the right to approach a throne of grace as he chooses; but what I am quarreling with him about is what he does to the instrumentalities of my Government after he gets up off his knees after confessing to a priest. What I am complaining about is not a part of his devotion; it has nothing to do with his religion; it is his dangerous political activity against the American Government. He is interfering with free speech; he is seeking to destroy it all over the United States. The Roman Catholic machine is bringing pressure even to defeat free speech here in this Chamber. They do not want a free press. They boast that the press is afraid of them. They do not want peaceful assembly, because if they can control the press and keep the press from giving information to the American people that they do not want given out, and if they will not let the people assemble and have free and open discussion, they will get this country in a little while in a position such as Mussolini has Italy, where they can put their program over in the United States.

Mr. President, what I object to is their un-American activities. Doctor Ryan, an appointee of the Pope here in Washington, says in his book on state and church that when they are strong enough they are going to destroy all other religions in the United States except the Roman Catholic religion. You know and I know that program and purpose. That is not properly a part of their religious worship. I do not want my religious rights taken away from me, and I do not want the people for whom I speak here to have their rights taken from them. I want the Catholic to worship as he chooses, but he is not going to be permitted to deprive me of that right or the millions of people—Protestants and Jews of America—of the United States of that right. He had just as well get that truth in his head and prepare to accept the American position on this question. Is not my position sound? I know what he is trying to do. The Roman machine wants to silence me and have me cease to point out Roman dangers that threaten free government in America, but I will tell you what they ought to do.

They ought to fall fully in line with the American idea of Government and publish to the American people from authentic Roman Catholic sources that they are in favor of and will hereafter support "free speech" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American right of "peaceful assembly" and they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American principle of a "free press" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the American "public-school system" and that they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of "religious freedom" for everybody and they do not want any Roman Catholic to interfere with it anywhere; that they are in favor of the separation of "church and state" and that they do not want any Roman Catholic to interfere with it anywhere.

That is my position as an American Senator. Is there any intolerance or bigotry on my part in that stand? Let them quit interfering with these great instrumentalities of our Government that we in the Senate have sworn to protect and defend, and when they do that I have not further quarrel with them. As an American Senator I have a right to demand that they do that. They can go ahead and confess to the priest as much as they please and dole out their substance to him, and I have no complaint to make about that; that is their business. But when they come out from there and seek to put over in this country a Roman Catholic program, to destroy the instrumentalities of my Government, to put all religion but their own out of commission, and to establish their own religion as the Government religion, to be supported by the money of the Government and defended by the Army of the Government, I shall continue to fight their un-American program. And because of service as an American Senator I am threatened. My God, what is it going to take to arouse you to your full duty and responsibility to your country?

A certain element among these alien hordes in the United States is threatening and holding up the business men of the

country. They are telling them, "If you do not send money out to us, we will blow up your house and destroy your wife and your children." They not only do that; they steal the child from the heart of the family, and hold him for ransom. Not only that; they threaten a United States Senator, and say that if he does not cease to point out the dangerous activities of that group they will murder him; and yet Senators stop and quibble and split hairs about whether they are going to vote to exclude these aliens from the basis upon which representation is founded for membership in the body that makes the law for this Nation and elects a President of the United States.

Why, Senators, here in the homeland is a bright American boy. He goes through the schools and graduates at 18.

The PRESIDING OFFICER (Mr. CUTTING in the chair). The Senator's time on the amendment has expired. He still has 30 minutes on the bill.

Mr. HEFLIN. I thank the Chair.

This boy graduates. One of these boys at that age, Mr. Swofford, from Kansas City, Mo., won the orator's medal the other day here in Washington on an oration that would do credit to any Senator in this body, and yet he is not allowed to vote. He has to wait three years before he can vote, and that boy is now capable, judging him by his speech, of helping to frame a constitution for a government. But if the tocsin of war sounds he has to lay down his diploma and put aside his plans for life, and put on his uniform, shoulder his gun, go to the battle front, shed his blood, and give his life; yet he is not allowed to vote. But the alien, 18 or 19, you call him to bear arms, and he says, "You will have to excuse me. I am not a citizen of this country," as hundreds of thousands of them did in the World War. He steps aside. The other boy goes away to battle. This man gets his job; and when that boy comes home, if he does, he finds this alien youth sitting snugly in his place, drawing American money for an American job that a smuggled-in alien now has.

My friends, this amendment has dynamite in it. You let Senators who have to run for the Senate next year come up and vote against excluding these aliens, and the people of this Nation who are interested in their Government more than they are in your seats in this body, the people who want to clean house of all dangerous foreign influences in this Government, the people who want to be rid of this alien problem, the people who want to restore this Government to its true American form, are not going to be pleased with your suggestion that you "could not quite make up your mind, because your conscience hurt you" on the constitutionality of this alien amendment. They are gradually getting their eyes open.

You examine yourself well. That may not be your conscience that is hurting you. It may be some other organ in your system that is bothering you. It may be that you have eaten something that upset your stomach. [Laughter.] You may be getting your stomach or something else mixed up with your conscience. [Laughter.] If you do, your constituents will help you straighten out your trouble when you go before them.

Imagine a man standing up before the great sovereign power of the Commonwealths of this Union, the voters, and saying to them, "I would have voted for the amendment about aliens, but, somehow or other, I could not get it in my mind that it was constitutional." Some hard, horse-sense man will say, "Constitutional? Say, Senator, that has been the refuge for dodgers since the Government was founded. You fellows that want to vote against a measure seek your constitutional shelter to get under it; and when these foreigners are coming in here by the thousands and hundreds of thousands, smuggled in, having no right to be here, and are driving from gainful employment men and women who were born here, and we want to stop that, you say that your conscience would not allow you to vote for it because you were afraid it was unconstitutional." Then he will ask you, "Why didn't you let it be passed up to the Supreme Court, and let the Supreme Court decide whether or not it is constitutional? Why didn't you do your best and go your limit in giving the laboring men and women a fair deal in America?"

The senior Senator from Kentucky [Mr. SACKETT] thought the amendment was constitutional. It is his amendment that we are considering. The Senator from Tennessee [Mr. TYSON], who discussed with me his amendment on the same subject—before the Senator from Kentucky did; they are both on the same line—thought it was constitutional. Other Senators here have advocated it. My colleague [Mr. BLACK], who is a good lawyer, thinks it is constitutional. The junior Senator from Kentucky [Mr. BARKLEY], who spoke ably on it yesterday, thinks it is constitutional. Those of you who want to vote for it have all the excuse you need to vote for it. There is no doubt in my mind that it is constitutional.

My friends, this problem is of such a nature that you owe it to yourselves and to those who sent you here to take a chance and let the highest court in the land pass on it, if need be, and decide whether or not it is constitutional.

I do not hear you Senators quibbling on the constitutionality of measures when the big interests of the country demand legislation in which they are interested. I do not hear you raising any Cain about the Constitution being violated when the money lords are demanding legislation. But when we come and talk about the wage earners who are being crowded to the wall by this horde of aliens in our country, then you yawn indifferently and say, "You would like to vote for it if you thought it was constitutional." [Laughter.] It is a pity that your conscience is disturbing you so on this particular measure. The people back in the States know and understand.

Do you know, I have seen but few men in my service here at the Capitol whose long service was beneficial to the States they represent. That may sound strange, but it is true. The trouble with the average Senator here, he forgets and gets away from the people in the State, and he lives in a little atmosphere to himself here at Washington, where he has lost touch with the people back home, where he no longer thinks of the masses or thinks of measures that will benefit them.

He is thinking mostly about how to retain his seat, how to stand in with the big powers that be, how to court favor with the newspapers that will boost him here and get the news back home and tell what a big man he is, when frequently we know to the contrary. They are doing that. They are standing in with big interests that will keep down opposition.

I have known men in my political lifetime who served the special interests. When candidates would come out about ready to announce against them they would be plucked off and given employment, retainer fees as lawyers at so much per year, to get them out of the way of the candidate who was to come back to the American Congress to continue his work for those that he had been representing here all the time.

Mr. President, it is high time that all of us, regardless of party affiliations, were voting here to-day on this question like Americans. Let us strike hands about a common center for the good of this great American Government. Let us fling aside partisan prejudice and feeling. Let us think of the good to one hundred and odd millions of people, and not seek to please a group that wants to keep in here and count in our population these six or seven million foreigners—and most of them belong to the hierarchy's group.

Of course, there are some that do not; but what are they doing to labor? What are they doing in the United States? Hundreds of thousands of them have not pledged allegiance to that flag. They are not beholden in any way to this Government They have refused, so far, to apply for naturalization papers. They never have qualified so as to become citizens. They dodge civic duty as citizens, and hundreds of thousands of them dodge war duty as soldiers; but in the army of wage earners they are marching up and driving out of American employment the men and women who are making livings for their families, and, like the ships that pass in the night, they drop out of the picture and are forgotten. Who will remember them here to-day when you are quibbling over the constitutionality of a measure like this?

Aliens are securing jobs that Americans formerly had. The army of the unemployed in the United States is caused by the alien problem that I am discussing here to-day. What are you going to do to help us solve that problem? No quibbling over the constitutionality of this amendment will suffice. Your vote will show how you stand, for "by their fruits ye shall know them."

Senators, if you are on the side of the alien group and the influence back of it, I suppose the National Catholic Welfare Council have their hand in it. They always have. In that report they sent to the Pope that I read here they said they were daily at work, in touch with Congress, in touch with Cabinet members and with the President of the United States, whoever he might be. So these influences are at work. They do not want this alien amendment in this bill. They are fighting it. They are opposing it to the bitter end. What are you going to do?

What are they doing here these aliens? They are accumulating millions. What are they doing with this money? They are sending it back to help smuggle other aliens in. That is what they are doing. They are sending out of this country between fifty and a hundred million dollars a year, back over yonder, and more foreigners are being smuggled in; and New York is one of the worst ports in the world for the violation of our immigration law. I do not believe a shipload of foreigners has ever been turned back from there. If they get in, and can give the proper sign, they pass in, and no word is said. No record

is kept, no publicity is given to the people of the United States, until one day you hear men and women on the street who speak the English language saying, "I have lost my job. I have nothing to do. The rent is due, and we have been ordered to vacate, a foreigner has my job, and God only knows what is going to become of us." An alien problem has flaunted itself in their faces. Alien labor has driven them from employment. That is what is going on. But Senators tell us that they can not vote for the amendment because they are afraid—they are not certain—they are afraid it is unconstitutional!

You had better get those fears out of your minds. There is too much at stake here to fool with a little thing like fear on a hair-splitting point. Paul said, "This one thing I do." You have it in your power to-day to cut the Gordian knot. There are enough Senators here, if they vote right, to solve this question.

The Roman hierarchy does not want this amendment; Americans will do. Who shall triumph to-day, the Roman hierarchy and its political machine or the millions of Americans who are looking to us to stand by them on this occasion?

Mr. President, I go back to the proposition of aliens sending money out of the country. When I was in the House I looked up the statistics one year—I think it was about 14 years ago—and I found that they had sent back to foreign countries $74,000,000, a great deal of which was used in bringing others here; so that the money these aliens make in working cheaply and driving American labor from employment is sent back to bring over more foreigners, to compete with American labor in the large business centers of the country, and to add to our army of the unemployed. That is the condition we have here, and the problem gets worse every year.

New York State refuses to allow aliens to be counted in fixing the basis for representation in the legislature of the State; but here they are telling us that we should use "smuggled-in" aliens to make the basis for representation in the American Congress. If it is good for New York to be rid of that alien population for such a purpose it is good for the people of the United States to be rid of them for the same purpose.

That is not all. The people of the United States everywhere feel the evil effect of the alien problem in New York City and in the other big cities of the East and other places in the country. They are smuggling in aliens. Why do you not stop them? I have pleaded here against their entrance, but you are still permitting them to come in by the thousands and hundreds of thousands, and here, when the Senate has the opportunity to shut the door and settle this particular problem, and we are nearly ready to vote, we find this tremendous "alien influence" about which I have told you marshaling votes to defeat this amendment.

Listen, Senators. The Senator from Massachusetts [Mr. WALSH] said yesterday that if we put this amendment on it means the killing of the bill. I do not think that at all. While I am not for the bill it is going to pass. The House will keep this amendment on if we put it in. I believe that two-thirds of the House will vote for this amendment. I could almost name the Senators who will vote against it, but the House will vote to keep it in the bill. If the Senate will keep it in, it will stay there, and there will be genuine rejoicing throughout the length and breadth of our great country among loyal Americans.

The American laboring man and the American laboring woman! God bless this brave army of wage earners in America. I am going to vote with them. I am going to vote to throw the protecting arm of my country around them. We have told the big tariff barons and the captains of industry that cheap goods shall not come here and destroy their business. We have built a wall of protection for them. But we have done nothing for the army of wage earners who are losing their jobs by the thousands and hundreds of thousands to aliens smuggled into the country.

I do not want the business of the captain of industry hurt; I want him taken care of and I want him to make a profit. I want every business in my Nation to prosper. And I want the laboring class to prosper. I want this army of wage earners to do well, and to-day I am going to cast my vote to throw about them the same protecting arm we place about the big business of the country, to shield them from the cheap laborers of Europe and from the alien class smuggled into my country. This is still America! This is our country, ours to love and cherish, ours to protect and preserve.

What are we going to do about it? Are we going to let the insidious influence that stalks about this Capitol all the time when a foreign problem arises decide how we are to vote here to-day?

Senators, the first great problem we ever had to solve was the problem of the red man. We solved it and fixed his status. The next great problem was the problem of the black man, and we solved that and abolished slavery, as we should have done, and settled that question. The next and third, and perhaps the greatest problem of them all, is that of alien influence and control in the United States. Who shall control America? Shall her institutions be preserved, or shall the false gods of the alien come here and dictate the course of the law-making body of the Nation, alien labor driving out of employment American labor, and alien influence killing measures designed to defend and hedge about free institutions in America, all in a foreign program to make America Catholic in the years to come, to set up the Catholic state, and put it under the dominion of the Pope of Rome. Nobody but a stupid, blind man can fail to see that that is the program.

Mr. President, I am but an humble instrumentality in the hands of the Almighty and I am trying to give the American people warning in time. Down in east Alabama, not very far from the Horseshoe Bend in my State, was Fort Mims, where Weatherford the Red Eagle and his men committed one of the worst massacres in the history of Indian warfare. There was a big gate in the wall of Fort Mims. It had rained hard for several days and sand washed down against the gate, which stood open about 3 or 4 feet. The sand banked against it, and a lady inside said, "You had better close that gate." They said, "Oh, no. There is not an Indian within 50 miles of here." But Lucy Dean, a sweetheart of Weatherford, a white girl, said, "You don't know whom you are dealing with. Weatherford is one of the most cunning of all the warriors among the red men He is smart, he is cunning, he will be upon this fort before you know it." They said, "There is not an Indian within 50 miles of here."

A little boy who had gone down to the riverside came back and said, "Mamma, I have seen some people down there with their faces painted and feathers in their hair," and Lucy Dean and the others said, "Indians!" But before anybody could go and dig the sand from the gate Weatherford and his men were pouring through, and you know the sad and bloody story. They slew everybody but Lucy Dean and one or two others whose lives Weatherford had saved.

I know that when I am telling you what is going on some of you do not realize the dangers that I am pointing out to you. The press is as afraid of the Catholic power as it is of death. I assert to you to-day that you can not get a Washington paper or any other paper represented in the Senate press gallery to publish a criticism based upon facts of the un-American activities of Roman Catholics in the United States. That is a pretty broad challenge, but anybody can take it up and try it out.

Heywood Broun, a brilliant writer, lost his position on the New York World because he said there was not an editor in the city of New York who had the courage to write the truth about Catholic political activities in that city. He lost his job, they turned him out, because he lifted his voice in criticism of the un-American activities of Roman Catholics. This is a free country and we all ought to be willing to be criticized in the interest of good government. The Catholic authorities ought to quit. They must quit interfering with free speech in America. I have letters to the effect that they do that in every State in the Union where the subject to be discussed in any way touching the far-reaching program of the Roman Catholics in the United States. There ought not to be anything like that in the United States. This is a free country. They are already providing how and when they will destroy religious freedom in the United States; and Doctor Ryan admitted—I am stating the substance of what he said—in his magazine article, replying to Doctor Fountain, of New York, that it is their program to make America Catholic, and that they stand by the doctrine of the union of church and state.

All these things are going on right here in the United States, and I am telling you the significance of them, but you are saying, as they said at Fort Mims, "Oh, no; there is no immediate danger. That danger is far off." It may be, but it is somebody's duty to point it out, it makes no difference how far off it is, whether it is 10 years away or 20 years away.

I believe that God has given men vision to see things that He would have them see and to call attention to them, and I believe that He has given them the courage and the physical strength to endure in doing that.

What should a man do on the firing line if they tell him, "Out there where you are fighting is dangerous. You are liable to be killed." He would say, "Yes; but I am a soldier. I am a crusader in the cause of right. I am trying to serve my country, and if I go down, I will go down with flying colors, faithful

to the last, and you can tell my brethren for me that I died at my post, doing my duty as I saw it and trying to save my country."

What are they doing? They are attacking free speech, free press, peaceful assembly, religious freedom, separation of church and state, the public-school system, six of the great pillars underneath this great Republic, and who is crying out against it? Who is coming to the rescue? Who is telling them to stop that, that they will destroy this Government? You ask the press to do it, and they are afraid. You ask public men, many of them, to do it, and they are afraid. Then what is the remedy? For the people back home to get wise and to ask every Senator on the stump, "How do you stand on these questions? How did you vote when the alien question was up for consideration, when we wanted to exclude them? Did you vote for your country or did you vote with that Roman foreign influence?" That is the question they are going to ask you, and the question they ought to ask you.

Mr. President, how much time have I remaining?

The PRESIDENT pro tempore. The Senator has two minutes remaining.

Mr. HEFLIN. I can not say much in two minutes, but I will say this, that I am heartily for this alien amendment. I am with the wage earners of America. No field is cleared in the battle for bread. No bugle sings truce to the toiling millions, day in and day out, and many of them toil far into the night; they are struggling to keep soul and body together.

WORLD ENDURANCE FLIGHT RECORD

Mr. SHEPPARD. Mr. President, I present for insertion in the RECORD an article by Aviators Reg L. Robbins and James Kelly describing the flight by which they broke the world's endurance record at Fort Worth, Tex., last week.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

FORT WORTH FLYERS TELL OF RECORD 172-HOUR HOP—LIGHTNING, FLASHING BY SIDE OF PLANE, GAVE WORST SCARE OF ALL DURING THEIR WEEK IN AIR

(Here are the personal experiences of Reg Robbins and Jim Kelly, the machinist and cowboy, who broke the world endurance-flight record by remaining in the air for more than a week.)

By Reg L. Robbins and James Kelly

FORT WORTH, TEX., May 27.—The world at large appears to be amazed at our little flying feat accomplished in a 2-year-old plane, powered with a secondhand motor, but our principal astonishment is that we were forced to come down after only 172 hours and 32 minutes in the air.

Although we are back on earth after spending more than a week in the cramped environs of our rebuilt Ryan as it slowly but surely flew past every world's record for endurance flying, we have not been completely isolated.

Newspapers and telegrams, as well as personal messages from our wives and friends, were lowered us twice a day by K. K. Hoffman and H. S. Jones, the pilots of our refueling ship, and our only disappointment is that we were unable to fulfill our promise of staying up 200 hours or longer.

If flyers were ever blessed with a perfectly performing ship and a motor that stood every test put to it, we are those two pilots. The Ryan brougham in which we made the trip has been in use two years and has carried thousands of passengers for commercial hops. The Wright whirlwind motor in *Fort Worth* was second hand when placed in the ship less than two years ago. It has gone more than 50,000 miles without a forced landing.

PROPELLER WAS CRACKED

Plane and motor would have kept us up until a really enviable mark had been established. However, the luck which had been with us throughout the flight finally failed, and the propeller was cracked when the buckle of a safety belt hit it while the rocker arms on the motor were being greased.

This happened Monday, the second day of our flight, while the rocker arms were being greased in rough air, and we probably would have felt no ill effects from the accident had it not been for adverse weather we passed through. Rain caused the crack to swell, making the motor run rough.

The severe storm we passed through on Saturday night also helped to weaken the propeller. However, it kept us in the air during the bad weather and many hours after we had passed through the electrical disturbances.

At one time lightning flashed so close to our ship that we both thought it had been struck. That was our worst scare of the entire flight. The visibility was poor and neither of us got much rest. Each of us got about an hour's sleep during the night.

We took off at 11.33 a. m., Sunday, May 19, from the Municipal Airport here and landed on the same field at 4.05 p. m., Sunday, May 26. There were several more hours in our ship had we cared to risk a crash.

ADVANCE COMMERCIAL AVIATION

The primary purpose of our flight was to advance the cause of commercial aviation though, and we both feel that a proper regard for safety is one of the first qualifications of a pilot.

We were tired but not overtaxed when we landed. Two doctors have examined us and pronounced us both in normal physical condition with the exception of being slightly deaf. This will wear off in a few days.

There was more nervous strain during the first 48 hours than at any other time. After we had completed two days and nights in the air we began to lose our nervousness and felt more confidence both in the ship and in ourselves.

At various times during the flight we became slightly groggy, but at no time did we lose the balance or control of the plane. Airsickness worried us both during the first 48 hours, but this must have been caused by nervousness, because the air was smooth and neither of us is susceptible to airsickness.

Our future plans are at present rather vague. We have received offers of contracts of many types, including several vaudeville contracts.

Flying is our game, though, and that is what we are going to stick to. We have no intention now of signing show contracts, regardless of the financial inducement.

We feel that we have been amply repaid by one fact of our flight alone. That is the endurance qualities and airworthiness of a single-motored ship. When plans for our flight were in the preliminary stage a trimotored plane was considered. This plan was dropped, though, as we felt our chances for success were greater in the type of ship we were both accustomed to handling.

This is not intended as any reflection on trimotored jobs. Their capabilities are too well known. We spent a lot of time studying the facts about the *Question Mark* flight and reached the conclusion that success was as probable with one motor as with three, if the load the trimotored plane carried was so heavy that two motors would not keep it up.

Particular study of the rocker-arm troubles of the *Question Mark* was made also. The rocker arms on our motor were greased twice daily. No other work on the motor was necessary, although we were prepared to replace spark plugs if necessary or change other engine parts.

ONE SET OF SPARK PLUGS

One set of spark plugs carried us through the flight. No other part of the engine was badly worn, and when we came down to-day our motor was gone over and declared to be in excellent condition by E. M. Walsh, engine expert from the Wright Aeronautical Corporation.

The linen was somewhat frayed on parts of the plane, but the covering was not in bad condition. The ship was re-covered with new linen in preparation for flight.

The Ryan brougham, in which we made the flight, was rebuilt according to our own ideas of aviation engineering. The roof was removed from the back half of the cabin in order to make refueling easier. The funnel connecting with the extra gasoline tank which occupied the middle section of our *Fort Worth* was on the right side of the ship. It was on the outside of the ship. We considered this safer than to have the funnel in the center of the ship.

One of the gravest dangers in a flight of this kind is the possibility of fire. We had to exercise unusual care in preparations for refueling as well as the actual process of transferring gasoline from plane to plane for that reason. Generation of electricity either from the propeller or from friction was guarded against by a copper ground wire attached to the refueling hose and clamped to the funnel during contact.

K. K. Hoffman, pilot of the refueling ship, and H. S. Jones, copilot of the ship, deserve much of the credit for the success of our flight. Their iron nerve and remarkable piloting skill were responsible for 17 successful refuelings. Ten or 15 gallons of gasoline was spilled once when we failed to make contact because a rag stuffed in the refueling funnel had not been removed before contact was made.

The last refueling, this morning, was accomplished in a driving rain. We are not sure but believe this is the first time an airplane has ever been refueled in midair during a rainstorm.

The refueling ship, which was also a Ryan brougham, had a hole in the bottom of it through which Jones dropped the hose. This hose was 37 feet in length. Contact was usually made by using only 20 feet of the hose. Several times only 10 feet of the hose were used.

We refueled three times daily during the flight, with the exception of one day, when our reserve supply of gasoline was so high that we refueled only once. Early morning and early evening were the hours we chose for this delicate and dangerous operation.

The air is smoother at that time and there is less danger of planes being buffeted by air "bumps" while flying close together. In the morning, usually around 6 o'clock, we took on 110 gallons of gasoline. At night, in two contacts, we would take 130 or 140 gallons. Four and one-half gallons of oil were given us twice daily.

GOT FOOD WITH FUEL

With the oil we got our food, letters, and other supplies, which were lowered in a canvas sack dropped by the refueling ship immediately after the refueling contact was broken.

Hoffman had worked out a definite set of signals with us, and the refueling was accomplished with almost clocklike precision. Some persons consider a remarkable feature of our flight the fact that the first transfer of gasoline between our endurance ship and the refueling plane was made after the flight had been in progress almost 24 hours.

We did not consider this remarkable, as we had full confidence in our ability to perform the feat. The day before the *Fort Worth* took off we practiced the refueling contact three times with Hoffman and Jones. However, no fuel was actually transferred. We took off with 250 gallons of gasoline, which lasted us through the first night of the flight.

In case of an accident we agreed on the procedure we were to follow. The endurance ship was to pull to the left and down while the refueling ship was to pull to the right and up. In order to fly close enough together to permit refueling in the air we had to obtain a special permit from the Department of Commerce. After an inspection of the *Fort Worth* and the refueling ship and an explanation of our plan they waived their rule forbidding commercial aircraft to fly closer than 300 feet apart.

TRIP SOMETHING OF A LARK

Despite its serious nature, our flight sometimes was more or less of a lark. We wrote many notes and dropped them to our wives and friends on the ground. Before dropping notes we would circle the municipal airport at a low altitude to attract attention, and then on the second trip over would drop the notes.

We carried a supply of small canvas sacks for this purpose. Strips of bed sheeting had been attached to the sacks and the long streamers helped attract attention to the messages, and also aided in their location after they fell to the field.

The jocular tones of notes we received while in the air helped us while away the time and keep our spirits up. Once we playfully tossed a loaf of bread to a visiting aviator and got a great kick out of his astonished look.

During the daylight hours we flew in circles 100 or 200 miles from the municipal airport. At night we kept closer to the field, and usually were not more than 5 miles distant from its floodlights.

A supply of flares was carried in the *Fort Worth*, but we preferred the safety of a well-lighted landing field in case of motor failure or any other sudden and serious trouble. Altitudes during the flight ranged from 500 to 10,000 feet.

In the morning and at night we flew closer to the earth, due to favorable atmospheric conditions, but during the heat of the day we maintained altitudes of 8,000 to 10,000 feet.

TAKE 110 GALLONS OF GAS

For refueling contacts we usually sought an altitude of between 2,500 and 4,000 feet. About half of this altitude would be lost during the operation. Eight minutes were required for the transfer of 110 gallons of gasoline, while the two night loads usually were taken on in contacts of three to five minutes each.

At the time of the take-off we had not secured the parachutes we had intended to wear throughout the flight. Rather than delay the start of the venture we decided to go ahead without the parachutes.

The third day of our flight found us still without parachutes. In the meantime we had realized that we were taking an unnecessary chance and had dropped a request for the parachutes. The task of greasing the rocker arms on the motor was particularly dangerous.

To perform this task twice daily it was necessary to crawl through a small window on the left side of our plane. There was no opening on the right side, and to grease the rocker arms on that side of the motor the fuselage had to be mounted in pony fashion. The one of us making the trip faced the pilot and slid carefully across the motor to the right side of the catwalk. This operation had to be reversed in order to reenter the ship.

We are particularly grateful to Brig. Gen. F. P. Lahm, who was instrumental in our securing chutes. Lahm, who is in charge of aviation activities for the Eighth Corps Area, volunteered to take one of the "seat" type parachutes, which had been secured for us, in exchange for a parachute which conformed to the shape of the back. This was used by the man on the catwalk and added to his safety, as there was danger of the "seat" type of parachute catching on some part of the motor and opening. The day after our parachutes were delivered two more were sent up from Kelly Field at San Antonio for Hoffman and Jones to wear during the refueling operation.

Another compliment we received from the Army was the personal note from Capt. Ira C. Eaker, the chief pilot on the flight of the *Question Mark*. Eaker came through Fort Worth twice during our flight and on his last trip stopped long enough to send us a note wishing us success. It made us feel good to know that Captain Eaker was unselfish enough to hope to see his own record fall for the general advancement of aviation.

Our living quarters during the trip were confined to a space about 3 feet square. That was living room, dining room, bed room, etc., during our more than seven days in the air.

A dual control had been installed in the back part of the ship for use during refueling, but this was abandoned when we discovered the ship was much easier to handle with the regular control stick in front. That space, after the control was removed, made a comfortable corner in which to rest when we tired of the Navy hammock slung across the interior of the plane.

Regular periods of rest were taken by both of us. We each got four to six hours of sleep every day and night of the flight, with the exception of our last night up. Stormy weather removed all thoughts of sleep then.

Delicious meals were sent us twice daily. We had hot meals every night, and during the day enjoyed hot coffee or iced drinks from thermos bottles, which were replenished regularly. We both ate heartily and suffered no loss of appetite during the trip. This and the fact that we secured enough sleep probably was responsible for our excellent condition at the end of the flight.

When we first started our flight we had every reasonable confidence that we would be successful. Naturally we felt some apprehensions, though. As we began to approach various world records for sustained flight we became more determined than ever to stick it out if humanly possible.

Our rebuilt monoplane has bettered every world record for endurance flying. We are proud of its performance and of our part in setting up a record, which we hope will aid in promoting public confidence in air travel and the safety and durability of airplanes.

No more endurance flying for us, though.

At least, not for some time.

PERSONAL STATEMENT—LENROOT CONFIRMATION

Mr. HARRISON obtained the floor.

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield for that purpose?

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege.

Mr. HARRISON. Mr. President, I have only 30 minutes.

The PRESIDENT pro tempore. The Senator from North Carolina rises to a question of personal privilege, and the time he occupies will not be taken from the time to which the Senator from Mississippi is entitled.

Mr. HARRISON. Very well.

Mr. SIMMONS. Mr. President, I rise to a question of personal privilege. There appeared in a recent issue, the issue of May 25, of the News and Observer, a newspaper published in my State at Raleigh, a communication from the Washington correspondent of that paper upon which I wish to comment. The headlines to the article are as follows:

CONGRESSIONAL RECORD prints SIMMONS'S talk.

That has reference to the Lenroot confirmation contest.

New York Times story regarding Lenroot secret code recorded.

The article then proceeds:

Senator SIMMONS was put down as absent in the secret poll which was published by two press associations, and Senator OVERMAN was recorded as voting for Lenroot. The New York Times said it was stated SIMMONS made a speech for Lenroot.

Senator OVERMAN refused to comment on the poll, but he was in his office in the late afternoon of the day on which the poll was taken and later went home without returning to the Senate. He has a general pair with Senator WARREN, who was also absent.

Senator LA FOLLETTE got a laugh from the Senate when he inadvertently referred to Senator SIMMONS as "the extinguished Senator." He was trying to say "the distinguished Senator." Quoting from the New York Times dispatch, which said that it was stated that Senator SIMMONS spoke in behalf of Lenroot, Senator LA FOLLETTE said in his Senate speech:

"The Senator from North Carolina [Mr. SIMMONS] is one of the most distinguished Members of this body. He has been in service a great number of years and is the ranking member of the Finance Committee on the Democratic side; he handled all the important war-revenue legislation when he was chairman of the committee under the Wilson administration. I am sure there is no Senator in this body who more carefully observes the Senate rules."

To that point in the speech of the Senator from Wisconsin [Mr. LA FOLLETTE] the quotation is in the exact words appearing in the CONGRESSIONAL RECORD. I continue:

"And yet from some source—I am not sure it was not from the Senator from North Carolina—this correspondent found out that the Senator from North Carolina made a speech in executive session in behalf of former Senator Lenroot."

The quotation from Senator LA FOLLETTE's speech is an exact copy of what Senator LA FOLLETTE said, except as to the one sentence in the report of the correspondent which reads:

"I am not sure it was not from the Senator from North Carolina."

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SIMMONS. I will yield in just one moment. I have examined the CONGRESSIONAL RECORD and read the Senator's speech and the Senator used no such language.

Mr. LA FOLLETTE. I wanted to call the attention of the Senator to the fact that that purported quotation in the dispatch from which he was reading was incorrect. If he will refer to the last paragraph in the first column on page 1824 of the CONGRESSIONAL RECORD he will find that I did not use that language.

Mr. SIMMONS. The statement by the Senator from Wisconsin was, "I am sure it was not from the Senator from North Carolina." The statement made by the correspondent as to what Senator LA FOLLETTE said was, "I am not sure that it was not from the Senator from North Carolina." In other words, the correspondent having correctly reported everything the Senator from Wisconsin said, interpolated in this sentence the word "not," which changed its meaning entirely and left the imputation that the Senator from Wisconsin impliedly stated that he did not trust me and that probably I had given out the information. Mr. President, it is strange that the correspondent could have made such a mistake as that. I do not wish, however, to impugn his motives. I do not wish to say that he deliberately interpolated into that sentence the word "not," for the purpose of casting suspicion upon me, but I do say that it is very remarkable that he could have gotten the entire context correct except that one sentence and so changed it as to give it an entirely different meaning. I will state also, that although four days have elapsed, the correspondent of the News and Observer has not chosen to correct his erroneous story.

With reference to the headlines I do not hold the correspondent responsible. That may be a mistake occurring in the office of the newspaper. I can not say whether I made a speech or did not make a speech. I can not say, if I made a speech, what the character of the speech was. The rules will not permit me to do so. But it is a fact that the headlines misstate the situation when they carry the statement that an alleged speech claimed to have been made by me in executive session appeared in the CONGRESSIONAL RECORD. If I made a speech in executive session it would not, under the rules, appear in the CONGRESSIONAL RECORD. But let that aside. Let me repeat emphatically it is, to say the least, strange that the correspondent having, as he clearly did have, the exact words of the Senator from Wisconsin before him, correctly stated every word the Senator had used until he got to this very pregnant sentence and there wrote a word which so changed its meaning as to carry an implication against myself.

I wish to ask the Senator from Wisconsin if I have not stated the facts?

Mr. LA FOLLETTE. Mr. President, the Senator from North Carolina has stated the facts correctly. As I called attention to the situation when I interrupted him, the sentence appearing in the dispatch carries exactly the opposite meaning from the one which I used on the floor and which appears in the CONGRESSIONAL RECORD, and of course is entirely out of sympathy with all the other things which are said in the paragraph concerning the Senator's length of service and the fact that I felt sure that there was no Senator here who was more meticulous in his observance of the rules.

CALL OF THE ROLL

Mr. SHEPPARD. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Hawes	Norris
Ashurst	Dill	Hayden	Nye
Barkley	Edge	Hebert	Overman
Bingham	Fess	Heflin	Patterson
Black	Fletcher	Howell	Phipps
Blaine	Frazier	Johnson	Pine
Blease	George	Jones	Pittman
Borah	Gillett	Kean	Ransdell
Bratton	Glenn	Kendrick	Reed
Brookhart	Goff	Keyes	Robinson, Ind.
Broussard	Goldsborough	King	Sackett
Burton	Gould	La Follette	Schall
Capper	Greene	McKellar	Sheppard
Connally	Hale	McMaster	Shortridge
Copeland	Harris	McNary	Simmons
Couzens	Harrison	Metcalf	Smith
Cutting	Hastings	Moses	Steck
Dale	Hatfield	Norbeck	Steiwer
Stephens	Trammell	Wagner	Warren
Swanson	Tydings	Walcott	Waterman
Thomas, Idaho	Tyson	Walsh, Mass.	Watson
Townsend	Vandenberg	Walsh, Mont.	Wheeler

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 1313) granting a pension to Frank C. Nelson; to the Committee on Pensions.

A bill (S. 1314) granting a retirement annuity to T. C. McGowan; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 1315) granting an increase of pension to Henrietta Thomas; to the Committee on Pensions.

A bill (S. 1316) to amend an act entitled "An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes"; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 1317) to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas; and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 1319) granting an increase of pension to Andana Dyer (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 1320) granting a pension to William Potts; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 1321) granting a pension to Ann Slinkard (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 1322) to amend the third paragraph of section 11 of the Federal farm loan act, approved July 17, 1916, as amended by section 3 of an act entitled "An act to amend certain sections of the Federal farm loan act, approved April 20, 1920"; to the Committee on Banking and Currency.

By Mr. McNARY:

A joint resolution (S. J. Res. 48) to provide for refunding to the State of Oregon tariff duties paid on an Etrich tow-preparing machine, type "V"; to the Committee on Finance.

By Mr. NORRIS:

A joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes; to the Committe on Agriculture and Forestry.

APPOINTMENTS OF SONS OF VETERANS TO THE MILITARY AND NAVAL ACADEMIES

Mr. WALSH of Massachusetts. Mr. President, I introduce a bill authorizing the appointment of cadets at the United States Military Academy and midshipmen at the United States Naval Academy from among the sons of veterans of all wars. I submit an explanatory statement relative to the present law and the proposed change to accompany the bill, which I ask may be printed in the RECORD in connection with it, and also letters from the War and Navy Departments.

The bill (S. 1318) authorizing the appointment of cadets at the United States Military Academy and midshipmen at the United States Naval Academy from among the sons of disabled veterans of all wars was read twice by its title and referred to the Committee on Military Affairs, together with the accompanying papers, which were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WALSH OF MASSACHUSETTS

Under an act of Congress approved June 8, 1926, the President was authorized to appoint as cadets to the United States Military Academy from the sons of officers, soldiers, sailors, and marines who were killed in action or died prior to July 2, 1891, of wounds received or disease contracted during the World War. Similar provisions were made for the appointment of midshipmen to the United States Naval Academy.

Since the passage of this act there have been but few applicants and still fewer admissions to the Military Academy or the Naval Academy under its provisions.

In 1927 five candidates qualified and were admitted to the United States Military Academy as cadets. In 1928 five candidates were appointed to take the examination, but three failed to report and two others failed mentally. In 1929 seven candidates were appointed to take the examination and only one of these qualified.

In 1927 there were five applicants to the Naval Academy and two qualified. In 1928 there were six applicants and five qualified. In 1929 there was five applicants and four qualified.

The bill which I have introduced (S. 1318) provides for the extension of the provision of the law of 1926 to the sons of all who served for 90 days or more, in any war, and were honorably discharged.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, May 21, 1929.

Hon. DAVID I. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: I have your letter of May 16 requesting information as to the number of appointments made under the act of Congress approved June 8, 1926, authorizing the appointment by the President of 40 cadets to the United States Military Academy from the sons of officers, soldiers, sailors, and marines who were killed in action or died prior to July 2, 1921, of wounds received or disease contracted in line of duty during the World War.

Since the passage of the act approved June 8, 1926, providing for the appointment to the United States Military Academy of sons of deceased World War veterans who were killed in action or died prior to July 2, 1921, five candidates qualified and were admitted to the United States Military Academy as cadets in 1927. In 1928 5 candidates were appointed to take the examination; 3 failed to report and the other 2 failed mentally; 7 condidates were appointed to take the examination in March, 1929. One was fully qualified and will be admitted as a cadet on July 1, two failed to report, and the other four failed mentally.

The applications from five candidates for 1930 have already been received, and their letters of conditional cadet appointment will be sent to them as soon as possible after July 1, 1929, when appointments for 1930 may be made.

Very respectfully,

C. H. BRIDGES,
Major General, The Adjutant General.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., May 24, 1929.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to conversation with you by telephone, I have the honor to state that under act of Congress approved June 8, 1926, authorizing appointments to the Naval Academy of sons of deceased veterans of the World War, in 1927 there were five applicants and two qualified; in 1928 there were six applicants and five qualified, and in 1929 there were five applicants and four qualified.

Very truly yours,

T. R. KURTZ,
Acting Chief of Bureau.

CONSTRUCTION OF FLOOD CONTROL ACT

Mr. HAWES. Mr. President, in 1928 Congress passed what we call the flood control act. It created a board of arbitration for the purposes specified in the act.

The Chief of Army Engineers has put upon the law a strange construction, a construction not intended by Congress nor in conformity with the Constitution.

A committee of Senators and Congressmen called upon the President in relation to this matter and he has referred the subject to Attorney General Mitchell.

In a letter addressed to the Attorney General I have reviewed the facts, and having secured his permission for publicity, I request that the letter be inserted in the body of the RECORD and referred to the Committee on Commerce for such disposition as it may desire in regard to the subject.

This matter will require executive interpretation or clarifying amendments by Congress and possibly judicial determination.

The PRESIDENT pro tempore. The letter will be regarded in the nature of a memorial, and, without objection, will be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the memorial was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

MAY 27, 1929.

Hon. WILLIAM D. MITCHELL,
The Attorney General.

MY DEAR MR. ATTORNEY GENERAL: On May 24 press reports stated the President has referred to you for interpretation a request made to him by Senators and Representatives of all the States in the alluvial valley of the Mississippi River for an executive interpretation of section 4 of the flood control act, or for a recommendation by him for clarifying or corrective legislation by Congress.

I take the liberty of transmitting a statement of how and why this matter was brought to the attention of the President. I believe this to be my duty as Senator from Missouri.

The Governor of Missouri, Hon. Henry S. Caulfield, petitioned the President for Executive intervention; the Missouri Legislature, by joint resolution, asked for Executive intervention, and such requests were indorsed by all the leading newspapers of Missouri and many of the civic organizations of that State, as well as by residents and property owners of the flood area involved.

Senator PATTERSON and myself, and the entire delegation of 16 Congressmen, have also appealed to the President in writing for Executive action.

On May 9 a delegation of Senators and Representatives, including Senator JAMES A. WATSON, Republican floor leader, and Senator JOSEPH T. ROBINSON, Democratic floor leader, representing the States of Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, called on the President to make the request above referred to.

Responding to the President's suggestion that the delegation provide him with a written memorandum outlining Executive authority in the matter, we submitted to him this written memorandum on May 14, leaving open the question of legislative clarification amendments until a decision was made regarding his Executive power, and we requested at the same time that construction work on the disputed portions of the project be delayed until Executive direction was given or corrective clarifying amendments were passed by Congress.

The issue largely revolves around a settled principle of law that private property may not be taken for public use by the Government except through the ordinary legal methods of purchase or condemnation.

A violation of this principle, we believed, was about to be attempted by the Chief of Army Engineers in the Birds Point-New Madrid floodway project, and similar proceedings would have followed in the Boeuf diversion plan, the emergency arising at the headwaters of the flood-control works at Birds Point.

Proposed construction work, under the policy adopted by the Chief of Army Engineers, would establish a precedent for all future work to be done in the entire valley, which precedent should not be set, as apparently the Chief of Engineers was about to proceed under an erroneous impression of the intent of Congress in the passage of the flood control act. Either Executive interpretation of the intent of Congress in the act, or clarifying legislation definitely expressing that intent, should be had before the commencement of such work.

The flood control act, approved May 15, 1928, was passed by Congress only after exhaustive hearings.

Before the passage of the act, Congress determined that two comprehensive plans of flood control had been submitted, one the so-called Jadwin plan, the other the Mississippi River Commission plan.

In order to avoid making definite recommendations with respect to the controversial engineering problems and their relation to the economics of the project, Congress provided in the act that a board of review was to be created, to consist of the Chief of Army Engineers, the president of the Mississippi River Commission, and "a civil engineer chosen from civil life to be appointed by the President." (Sec. 1, par. 1, Public, No. 391, 70th Cong.)

The act then provided (ibid.):

"Such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 29, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted."

It was the manifest intent of Congress that an opportunity be afforded for a fair and impartial reconciliation between the Jadwin plan and the Mississippi River Commission plans.

It was the theory of Congress, in providing for "a civil engineer chosen from civil life" that an impartial civilian arbitrator would officiate.

The whole philosophy of the act, of impartial consideration of engineering differences, was, however, by subsequent appointments to this arbitration board, destroyed.

Colonel Potter for some time had been president of the Mississippi River Commission. He was president of the commission during the time of the preparation of the Mississippi River Commission plans. He was, at the hearings before Congress, the official spokesman for such plans, and therefore Congress, following its desire to have all plans weighed and properly presented, made express provision for the reappointment of Colonel Potter. He was indorsed for reappointment by

every member of the House Flood Control Committee, and all members of the Senate Commerce Committee, both Democrats and Republicans, and such recommendations were sent to the President; but unfortunately the opinions of Colonel Potter had clashed with the opinions of General Jadwin.

When a substitute was selected for Colonel Potter, the board of arbitration created by Congress had no one on it as a member to present or advocate the Mississippi River Commission plans. I venture the assertion that with the exception of General Jadwin and three or four of his immediate assistants, and a few other witnesses, all other witnesses in the long and voluminous hearings before the House committee were opposed to the so-called Jadwin plan. Some 325 adverse witnesses, including able engineers and experienced river men, opposed the Jadwin plan.

Before the Senate committee, which had reduced the total number of witnesses to some 35, again only General Jadwin and his immediate assistants advocated the Jadwin plan, while nearly 30 witnesses opposed it, including eminent and distinguished engineers, some of whom had had many years' experience in river work, and all the members of the Mississippi River Commission opposed the Jadwin plan. These included the names of some engineers who are world famous.

May I add at this point that the American Engineering Council, representing 26 different engineering societies, with a total membership of 57,673, has asked for a reconsideration of the Jadwin plan.

The situation, therefore, is that practically all the witnesses before the House and Senate committees, and the American Engineering Council, have opposed this plan.

But Congress believed that an impartial tribunal of three—one in the person of General Jadwin to speak for his plan, the second the president of the Mississippi River Commission to speak for that plan, and, third, an impartial and unbiased civilian—might reconcile the two plans, first submitting such decision, however, for approval to the President before entering upon its execution.

The civilian selected as the so-called disinterested and impartial arbitrator had the matter of his appointment called to his attention first by General Jadwin on the long-distance telephone. The first man he met when he arrived in Washington was General Jadwin. He had no other indorsements, that the hearing before the Senate committee disclosed, other than that of General Jadwin. He had served under General Jadwin in the Spanish-American War, in the European war, and had been employed elsewhere on the recommendation of General Jadwin, and the record shows (Senate hearings, Committee on Commerce) that he admits his appointment was suggested by and entirely due to the suggestion and recommendation of General Jadwin. So that his impartiality, if he was at all human, was destroyed, and Congress and the President did not have the full benefit that they intended to derive from a third arbitrator in consideration of the differences between the plans.

The substitute for Colonel Potter was and is now under the direction of General Jadwin, Gen. Thomas H. Jackson. The so-called impartial civilian was selected by General Jadwin.

The natural result was the approval of the so-called Jadwin plan by General Jadwin and the two members of the board recommended by him.

This was bad enough, but it later developed that the clear intent of Congress that compensation should be paid by the United States Government for property taken, used, damaged, or destroyed directly by the Government in the carrying out of the flood-control plan was to be arbitrarily set aside.

It develops that during the hearings on the War Department appropriation bill for 1930 before a subcommittee of the House Appropriations Committee (November, 1928), General Jadwin, answering a question by Mr. BARBOUR, a member of the committee, stated as follows:

"Mr. BARBOUR. Has the President approved the report of this board as yet?

"General JADWIN. He has approved the policy and method of dealing with the problem as set forth in the report, but has excepted and reserved for his future action those reports which contemplate the acquisition of rights of way and flowage rights in connection with the construction of spillways and flood ways."

The statement of General Jadwin, above quoted, is the only information that Members of the House and Senate have of any Executive interpretation or approval by President Coolidge, and copies of the written Executive approval, in whole or in part, have not so far been made available for our information.

But in the face of this statement the Chief of Army Engineers and the Mississippi River Commission under General Jackson proceeded to advertise for bids for the construction of what is known as a set-back levee in the New Madrid flood-way area at the northern end of the great flood-way program.

The purpose of this set-back levee is to inclose some 200 square miles of Missouri territory within the levee and to designedly flood the entire inclosed area as a part of the general flood-control plan.

The area to be designedly flooded in Missouri covers 135,000 acres of land, containing 175 miles of highways, 97 miles of drainage canals, 35 highway bridges, hundreds of miles of tile drains, 2,500 persons and their homes and improvements, many miles of railroads, and schools and churches.

The assessed valuation for State tax purposes of this area is about $3,000,000 for farm lands alone. This does not include the valuation of public improvements, highways, schools, and churches.

In addition, the residents of this area have already taxed themselves in excess of $3,000,000 for ditches and levees to develop this area.

A fair valuation of the property has been variously estimated at between $12,000,000 and $15,000,000, and a large part of the bonded indebtedness is still outstanding.

To the surprise of those conversant with the intent and purpose of Congress in the passage of the flood control act, it was discovered that the Chief of Army Engineers and the new president of the Mississippi River Commission had not instituted condemnation proceedings for the property within the New Madrid flood way to be so designedly flooded, but planned to construct the set-back levee without such condemnation or purchase, leaving the matter of compensation to be determined at a later date.

Complainants appearing in Washington stated that the advertising for bids for the construction of this levee had already so impaired the value of their property as to make it impossible for them to borrow money upon the property included within the levee from any bank, trust company, or other financial agency, including the Federal land bank itself.

In other words, the sole purpose of the levee to be constructed is to designedly provide for the flooding of 200 square miles, and the mere inclusion of this area within the district to be flooded has made it impossible, even at this time, for residents either to protect their equities or to obtain money for the planting of crops. They will not plant their crops under such conditions, and the land in fact is at this time damaged to the extent of an actual taking.

Similar complaints came from the Boeuf floodway area when notices were given by the Chief of Army Engineers and the new president of the Mississippi River Commission that advertising for bids for construction work in the Boeuf area would soon be authorized.

When this information became known to Members of the Senate and House vitally interested in the flood-control program the decision was made to call upon the President and to ask:

1. For an executive interpretation or clarification of the intent of Congress to prevent this designed taking of property without compensation; or

2. In the absence of authority on the part of the Executive, for a recommendation by him to Congress for corrective, clarifying legislation; and

3. For a suspension of work on such controverted projects until either an Executive interpretation or congressional action was obtained.

It may be pointed out that the suspension of such work on controverted projects will not seriously delay the flood-control program as a whole. There is a vast amount of work to be done on the strengthening and rebuilding of levees and various other work. There is no necessity for delay. There are many places on the river where the work may proceed.

Delay in obtaining either Executive interpretation or congressional action will not nearly so seriously interfere with the final completion of the flood-control program as would the long litigation resulting from a wrong interpretation of the intent of Congress on the part of those designated to execute the flood-control program.

It should be noted that no one on the Missouri side of the Mississippi River asked for the construction of the setback levee proposed. No one in Missouri and no one in behalf of the residents of Missouri asked for the floodway proposed. It is not being constructed for the benefit of Missouri or at the request of Missouri. It is done solely and admittedly for the protection of other areas. A comparatively small sum spent on the Missouri levees at this point would provide ample protection so far as Missouri is concerned.

But the plan proposed means that when the river rises to a certain level the 135,000 acres of Missouri will be flooded.

Records show that the average flood in the past has been once in five years, but there is no assurance that it may not come every year.

It developed also at the hearings that once the flood waters are permitted to enter this area and run back along the setback levee, the main levee now on the river bank will probably be destroyed, leaving the area for the future without protection of any kind.

It should be noted also that the diversion channels or floodways provided in the act designedly set apart certain channels and floodways to carry off diverted waters. The setback or guide levees are to be constructed for the purpose of making the area within them the bed or floor for the diversion channels or floodways.

It was in contemplation by Congress when it enacted the flood control bill that owners of land and property should receive just compensation for their property so taken, used, damaged, or destroyed by the Government by reason of these diversion channels and floodways.

It is not contended by any one, by landowners or property owners, that the Government should pay for damages resulting from the act of God or for consequential damages. The contention is not for compensation for such damages at all, but solely and exclusively for the damage caused by the process of the work to be done directly by the Government in carrying out the flood-control program.

In passing it should also be remembered that in the Missouri floodway a unique condition exists, in that the flood waters of the Mississippi River are to be designedly carried over the entire 200 square miles of Missouri territory and then dumped back into the Mississippi River. The Missouri floodway is being designedly constructed for the convenience of another area. Other floodways and spillways are being designedly constructed for the benefit of designated areas. Each floodway and spillway is a part of the flood-control program adopted by Congress for the general public welfare.

Under the procedure and policy determined upon by General Jadwin property owners in Missouri would contribute their property or have it taken, used, or damaged by the Government for the benefit of other areas.

In conclusion I desire to apologize for this long story but the matter is vital to my State. The governor of my State, the Legislature of Missouri, both Senators, and all 16 Congressmen, the press, and many civic organizations, are asking for delay on this work until, either by executive clarification or legislative enactment, the constitutional principle of just compensation is established. If this were my own opinion, I would have hesitated to express it, but it happens to be the opinion of 18 Senators and many more Congressmen from the nine alluvial valley States, practically all of whom are lawyers.

Very cordially yours,

HARRY B. HAWES.

REPUBLICAN PARTY DIFFERENCES

Mr. HARRISON. Mr. President, I shall not detain the Senate long, but there are some incidents of current history which, it seems to me, should be briefly considered, and I want to call them to the attention of the Senate.

It has not been so long ago for Senators to have forgotten that in the heat of the last presidential campaign the Republican candidate for President, Mr. Hoover, when he became frightened at political conditions in the West, expressed the purpose of calling an extra session of Congress to solve the farm problem should he be elected. The expression of that intention gladdened the hearts of those in the great farm belt of the country. Men out in the great wheat and corn fields of the Middle and far North West derived encouragement from that statement and were led to believe that it would be but a little while, should Mr. Hoover be elected, when Congress would convene and legislation solving their problems would immediately be passed.

So Mr. Hoover did call the extra session. We have been in session now for more than a month. The House passed its farm relief bill; the Senate, after days of earnest labor, also passed a farm relief bill, more in keeping with the promises to agriculture. The measure went to conference. The Senate conferees, following the instructions of the Senate, have labored hard and earnestly to adjust the differences between the two Houses to bring back to the Senate and to send back to the House a report on the farm relief bill.

It was to my amazement, and, I am sure, to the disgust of the great agricultural West, that there appeared in the headlines in newspapers throughout the country, even in the newspapers in the East, from one of which I am now reading, the statement:

House conferees walk out. Warn Senators to drop debenture from farm bill.

That is the way the conferees representing the House of Representatives have treated the conferees representing the Senate, who are carrying out the instructions of the Senate. If reports which are carried in the press be true, the Senate conferees have only requested that the House conferees carry back to the House the farm relief bill, so that the Representatives in that body may express themselves, as they have not yet been permitted to do, as to how they stand on the debenture; but no.

There is something strange about it. We have talked much about secrecy here in the Senate during the last week, but there is a mysterious something that is preventing the representatives of another body from carrying the debenture provision back to the House of Representatives and saying, "Let us vote upon it; then, if it shall be voted down, we will agree upon a report."

I congratulate the chairman of the Senate Committee on Agriculture and Forestry [Mr. MCNARY] and those who have worked with him in conference, representing the Senate, on the stand that they have taken; and, knowing those men as I do and as you do, Mr. President, the Senate may well realize that those worthy representatives of the great agricultural interests, of this body, and of the American people will never consent to give up until the House of Representatives shall have voted on the debenture proposition. Of course, I know there are Senators here who would like to protect Representatives of their States who are their political friends and allies in sparing them the necessity of voting on the debenture, but it is not right.

And, to my amazement, Mr. President, a gentleman representing the administration last evening, the spokesman of the Hoover administration, sallied forth in his yacht to old Boston town and made a speech, having, no doubt, just left a conference with the President. He told the American people what he thought concerning great public questions and as to some men in public life.

As I read his speech, I recalled the incident that happened here in the Senate only a few weeks ago when my friend, the Senator from Ohio [Mr. FESS], took occasion to write a letter to our mutual friend Marshall Sheppey, in which he styled certain Senators as "pseudo-Republicans," which raised a storm of indignation on the other side of the Chamber, and caused a great deal of concern at the other end of the Avenue also, for immediately, if the press reports be true, the President sent down a gilded invitation to the Senator from Idaho [Mr. BORAH] asking him to park his feet under the table and break bread with him; and, then, for fear that action might ruffle the tender feelings of my friend the Senator from Ohio the President immediately invited him to partake of the next meal at the White House. So we thought everything was well and good; that the difference had been ironed out and that really the President did not accept the views of the Senator from Ohio [Mr. FESS] that certain Senators here were "pseudo-Republicans."

Mr. KING. Mr. President, will the Senator yield for just a moment?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. HARRISON. Yes; I yield.

Mr. KING. Many persons have been much perplexed in their efforts to determine which was the more important meal, luncheon or dinner. This question has been more important because of recent eruptions in the Republican Party. The question has become somewhat acute because of Executive action in smoothing out difficulties among Republican Senators. In accomplishing this the Senator from Idaho was a luncheon guest; but the honor was reserved for the Senator from Ohio [Mr. FESS] to be a dinner guest. It would appear, therefore, that if dinner is the more important event the President accorded the greater honor to the Senator from Ohio.

Mr. HARRISON. I am going to refer that question to the Secretary of State, Mr. Stimson, and let him decide it. [Laughter.]

Mr. President, I have before me some of the charges the spokesman of the White House, the Secretary of the Navy, delivered in his first broadside against certain Senators last evening. Let us see what he says:

SECRETARY ADAMS RAPS G. O. P. REBELS—NAVY CHIEF PRAISES HOOVER AND LONGWORTH AT BOSTON DINNER—SAYS CABINET IS LOYAL

BOSTON, May 27 (N. Y. W. N. S.).—Charles Francis Adams, Secretary of the Navy, sharply criticized the Republican insurgent group in Congress in his first public address since assuming office, delivered at a dinner and reception in his honor under the auspices of the Republican Club of Massachusetts here to-night.

Excoriating the dozen insurgent Republicans in the Senate as obstructors of legislation, Secretary Adams gave his view of Washington as a Government with a "very brilliant administrative side and a legislative side that is very foggy."

"How can we expect to get orderly government where there is no political order. There are perhaps 12 men in the Senate called Republicans who owe allegiance to no party.

He had in mind the 14 Republican Senators who voted for the debenture plan. I do not know which 12 of the 14 he has selected to become the target for his criticism. The list of Republicans who voted for the debenture plan includes some very distinguished men. Certainly Secretary Adams did not mean to include the senior Senator from Idaho [Mr. BORAH]. He certainly did not mean to include the senior Senator from Oklahoma [Mr. PINE], or the Senator from South Dakota [Mr. NORBECK], or his colleague from South Dakota [Mr. MCMASTER], or the Senator from Minnesota [Mr. SCHALL]. I will put the list in the RECORD, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The list is as follows:

LIST OF REPUBLICAN SENATORS WHO VOTED FOR DEBENTURE PLAN

1. Mr. Blaine, of Wisconsin.
2. Mr. Borah, of Idaho.
3. Mr. Brookhart, of Iowa.
4. Mr. Frazier, of North Dakota.
5. Mr. Howell, of Nebraska.
6. Mr. Johnson, of California.
7. Mr. La Follette, of Wisconsin.
8. Mr. McMaster, of South Dakota.

9. Mr. Norbeck, of South Dakota.
10. Mr. Norris, of Nebraska.
11. Mr. Nye, of North Dakota.
12. Mr. Pine, of Oklahoma.
13. Mr. Schall, of Minnesota.
14. Mr. Shipstead, of Minnesota.

Mr. HARRISON. Secretary Adams further said:

You can't call them Republicans, because they are only responsible to certain forces in their own States, a fact that was shown in the recent agricultural bill, where the insurgents joined forces with the Democrats.

"They are only responsible to certain forces in their own States." That convinces me that the Secretary of the Navy did not have in mind the distinguished Senator from Idaho [Mr. BORAH], because if there is one man in the Republican Party who in the last campaign was called upon by those who directed the Republican forces and sent here, there, and everywhere, it was the Senator from Idaho. Of course, at times the Senator from Idaho had his share of controversies over securing radio set-ups. At some places, such as in Boston, the city of Mr. Adams, Chairman Work did not choose to give him all the radio time that he desired; but he spoke everywhere, and I say as one who knew a little about what was going on in that campaign, that the senior Senator from Idaho rendered greater service to the Republican Party and contributed more to its victory in that campaign than even the presidential candidate himself.

Then there is my friend, the distinguished Senator from Iowa [Mr. BROOKHART]. He went all over the country promising the farmers what Mr. Hoover would do for them. They accepted his word. He was willing to give them bond to guarantee it. Yet here is the spokesman of Mr. Hoover now so soon criticizing the distinguished Senator from Iowa.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. HARRISON. I yield.

Mr. BROOKHART. Is this Charles Francis Adams the same Charles Francis Adams who was for many years among the distinguished insurgents in the State of Massachusetts?

Mr. BORAH. He was not distinguished.

Mr. HARRISON. I do not know. I know, though, that later on he speaks of some very obscure Senators.

Mr. BROOKHART. Is he the same one who was at one time invited to be an elector on the Democratic ticket?

Mr. HARRISON. I do not know as to that. Of course, he got his facts confused as soon as he became associated with Republicans. Perhaps he was a pretty good fellow when he was in the Democratic ranks. [Laughter.]

Mr. BROOKHART. He does come from the Democratic State of Massachusetts, I believe. [Laughter.]

Mr. HARRISON. Yes. Secretary Adams, according to the press reports, further said:

What is to be done? You can not blame the President. If he had nine lives he wouldn't have time enough to change the situation.

In the House there is a different situation. Washington feels very cordially toward NICHOLAS LONGWORTH for the great job he has done in organizing the House. He is a great personality.

Speaker LONGWORTH has a fine personality; he is a fine and able fellow, but he is approaching more nearly to the czarism of Speaker Reed than any speaker since those days. If such a man as my friend the senior Senator from Nebraska [Mr. NORRIS] was now a member of the House of Representatives there would be caused to be started a revolt in this country that would sweep it from one end to the other.

Why is the distinguished Speaker of the House taken up and praised, while these men are criticized who helped to elect Mr. Hoover to high office, and whose only guilt consists in trying to redeem the pledge that their President and they themselves made to the great audiences which they addressed in the last campaign by trying to vote for real relief for the American farmer? Is the Speaker of the House praised by this White House spokesman as "a great personality," as welding together a great organization there, because of the fact that now that organization strangles and keeps within the secret chambers of the conference committee room and is now killing by degrees the farm relief measure? Is that why these men are championed? These so-called insurgents deserve praise rather than the castigation that they now receive from those close to this administration.

I noticed in this morning's paper that the price of wheat had broken until now it is only 98½ cents a bushel. Then I looked at the price on November 1, when Mr. Hoover promised to call an extra session to deal with farm relief and pass farm-relief legislation—when the President was seeking farm votes—and the price of wheat then was $1.25 a bushel. Twenty-seven million dollars in so short a time wiped out on wheat alone because you failed or refused to assist in passing real farm-relief legislation.

Corn has dropped, as have the price of other agricultural products. Ah! if the Democratic Party had been successful last November, and we had controlled these two bodies, you would have said, "Oh, when the old Democratic Party gets into control panics come; prices decline; we told you so." Ah, but we are living in this "Hoover prosperity" era. The farmers are going to be taken care of; and just at the time when wheat is declining, and the farm relief bill is locked up in the conference room with the House leadership being praised by the spokesman of this administration, we read that yonder in the White House, breakfasting together, are the leader of the Republicans in this body [Mr. WATSON], the Speaker of the House who, Mr. Adams says, is "a great personality," and the leader of the Republicans in the House [Mr. TILSON]. Then the news is flashed that we are going to recess until September 15, I believe, and adjourn on November 10. What is going to become in the meanwhile of farm relief? That is now held in the secret confines of the conference room. Is he going to give up so quickly? Will he not show some fight? What influence is now working upon him that was so nonassertive during the tense campaign days of last October.

But that is not all.

Citing the tariff bill, the speaker said it was an example of a measure put through the House only to "be torn to shreds in the Senate and finally turned into a bill that will muster votes by an obscure conference committee."

I am sorry my friend from Utah [Mr. SMOOT] is not here, listening to what the White House spokesman, speaking in Boston, says about the "obscure conference committee." Why, if the tariff bill should pass and go to conference, one of the conferees representing the Republican Party upon the part of the Senate will be the distinguished senior Senator from Utah [Mr. REED SMOOT]. Is he obscure? Why, children have lisped the name of REED SMOOT; they have read it a million times before they ever heard of this mighty spokesman of the White House.

Not only that, I do not see my friend the Senator from Pennsylvania [Mr. REED]. He is not obscure. He made his reputation first by defending Mellon, not only out of the Chamber but in here, and then whatever publicity he had not received from that he certainly received when he defended Mr. VARE on the floor of the Senate.

And then the other Republican conferee—is he obscure? Whatever you say about the senior Senator from Indiana [Mr. WATSON], he is not obscure. [Laughter.] He has either been in public life or trying to break into public life ever since he reached his majority.

That is the way in which this new Cabinet member, Mr. Adams, speaks of Republican dignitaries.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. HARRISON. I gladly yield to my friend.

Mr. BINGHAM. I hope the Senator will not stop in his reference to the "obscure" conferees, remembering that the Senator from Mississippi is going to be a member of the conference committee.

Mr. HARRISON. Well, of course, modesty prevents me from going farther. [Laughter.]

Through all this fog—

Says Mr. Foghorn Adams—

the great figure of Hoover emerges.

Has he ever cracked his whip over the House conferees to get them to agree on some farm relief bill and send some ray of hope to these wheat growers, who are now losing millions every day? Has he ever cracked his whip or brought to bear any influence for any real legislation here? Have you seen any public utterance where he tried to get the House Republicans to stay within certain limits in framing the tariff legislation? No. He has been up in the White House, giving no expression to his views, as negative a quantity so far in the matter of pointing the way to his party as any President we have ever had.

Let us go farther:

Hoover will have loyal support in the Cabinet, the Secretary predicted, from a "group who will handle Government affairs admirably and honestly."

He recommends himself pretty highly; do you not think so? Yes, Mr. President—

Little Charlie Adams sat in the corner
Eating his Hoover pie;
He put in his thumb, and pulled out a plum,
And said, "What a big boy am I!"

[Laughter.]

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky [Mr. SACKETT].

Mr. HEFLIN and others called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. ALLEN. On this vote I have a special pair with the Senator from Nevada [Mr. ODDIE], and in his absence I withhold my vote. Were the Senator from Nevada present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote "yea." As I am unable to obtain a transfer, I withdraw my vote.

Mr. ASHURST. I wish to announce that my colleague [Mr. HAYDEN] is absent from the Chamber on a very important conference relating to the Colorado River. He is paired with the junior Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "nay," and if the Senator from Arkansas were present and permitted to vote he would vote "yea."

Mr. GEORGE. I wish to inquire if the senior Senator from Colorado [Mr. PHIPPS] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GEORGE. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], who, I am advised, is unavoidably detained from the Senate at this moment on official business. If he were present, he would vote "nay," and if I were privileged to vote I would vote "yea."

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill in the hospital.

Mr. SHEPPARD. I desire to announce that the senior Senator from New Mexico [Mr. BRATTON] is paired with the junior Senator from New Mexico [Mr. CUTTING]. If present, the senior Senator from New Mexico [Mr. BRATTON] would vote "nay" and the junior Senator from New Mexico [Mr. CUTTING] would vote "yea."

I also desire to announce that the junior Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business. If present, he would vote "yea."

I also announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from Nevada [Mr. PITTMAN] are necessarily detained from the Senate on official business.

I also desire to announce that the Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY] are necessarily out of the city. This announcement may stand for the day.

Mr. HEFLIN. Mr. President, I ask for a recapitulation of the vote.

The Chief Clerk again recapitulated the vote, and the result was announced—yeas 29, nays 48, as follows:

YEAS—29

Barkley	Harris	Nye	Smith
Black	Harrison	Overman	Steck
Blease	Hawes	Pine	Swanson
Brookhart	Heflin	Robinson, Ind.	Trammell
Capper	Howell	Sackett	Tyson
Dill	McKellar	Schall	
Fletcher	McMaster	Sheppard	
Frazier	Norbeck	Simmons	

NAYS—48

Ashurst	Glenn	Keyes	Stephens
Blaine	Goff	King	Thomas, Idaho
Borah	Goldsborough	La Follette	Townsend
Broussard	Gould	McNary	Vandenberg
Burton	Greene	Metcalf	Wagner
Connally	Hale	Moses	Walcott
Copeland	Hastings	Norris	Walsh, Mass.
Couzens	Hatfield	Patterson	Walsh, Mont.
Deneen	Hebert	Ransdell	Warren
Edge	Johnson	Reed	Waterman
Fess	Jones	Shortridge	Watson
Gillett	Kean	Steiwer	Wheeler

NOT VOTING—18

Allen	Dale	Oddie	Smoot
Bingham	George	Phipps	Thomas, Okla.
Bratton	Glass	Pittman	Tydings
Caraway	Hayden	Robinson, Ark.	
Cutting	Kendrick	Shipstead	

So Mr. SACKETT's amendment was rejected.

Mr. HARRISON. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be reported.

The CHIEF CLERK. On page 16, strike out lines 11 to 25, inclusive, in the following words:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And in lieu thereof insert:

SEC. 22. That before the expiration of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons (stating separately the number of aliens) in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives made in each of the following manners: (1) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (including aliens but excluding Indians not taxed) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member, and (2) by apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (excluding Indians not taxed and aliens) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And on page 17 strike out lines 1 to 7, inclusive, in the following words:

If the Congress to which the statement required by section 1 is transmitted fails to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it.

And insert in lieu:

If the Congress to which the statement required by this section is transmitted, and the succeeding Congress, fail to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the third Congress succeeding the Congress to which such statement is transmitted, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (1) of the statement; except that upon the ratification of any amendment to the Constitution excluding aliens from the persons to be counted in making an apportionment of Representatives then each State shall be entitled, in the second Congress succeeding the Congress during which such ratification occurs, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (2) of the statement. It.

Mr. HARRISON. Mr. President, I want to explain this amendment briefly, so as to indicate just what is intended to be accomplished by it.

Under the bill the President of the United States, following the enumeration, will submit, either on the first day of the December session of Congress the next year, or within a week

following the opening of the session, his statement showing the apportionment based upon the census, and the Congress will have that short session in which to legislate. If they fail, then of course the statement of the President will become the law and apportionment will be made accordingly.

This amendment seeks to change that in two particulars. One particular is that the statement can be filed by the President with the Congress at any time during that particular session of the Congress, namely, instead of having a week, or filing the statement on the 1st of December, the President may have until the 4th day of the March following, or three months, in which to file the statement.

That would, in the first place, give the Census Bureau plenty of time in which to take the census, and it might give them more time in which to reveal any frauds which might occur, and so on.

Then the amendment would give the following Congress an opportunity to pass the apportionment bill. If it should fail during that Congress, then it would become the law, as intended by the original bill.

The amendment seeks to change the bill in another respect; that is, that in the event Congress should adopt an amendment to the Constitution, and it should be ratified by a sufficient number of States, then the President or the Congress shall, according to the wording of the amendment, take into consideration the number of aliens found to be in the United States under the census, and according to the constitutional amendment, in each State, and make the apportionment excluding the aliens in that event.

No one would contend that if the Congress should adopt an amendment to the Constitution specifically excluding aliens in the enumeration and in the apportionment, that should operate then for eight years or six years following the adoption of the amendment, but it would be fair for the Congress or the President, to put into effect immediately, according to the amendment, an apportionment not taking aliens into consideration.

I will be glad to answer any questions with regard to the amendment. I have tried to make myself clear with reference to the intention of the amendment.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the junior Senator from Washington?

Mr. HARRISON. I yield.

Mr. DILL. I want to get clear whether I am right in my viewpoint, that under the amendment Congress would be given two years instead of three months in which to make the apportionment.

Mr. HARRISON. It would give Congress two years in which to make it.

Mr. DILL. Is there any other change the amendment would make?

Mr. HARRISON. Only this change, that in the event the constitutional amendment should be ratified excluding aliens in making an apportionment, that shall be put into effect.

Mr. JONES. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. JONES. If I understood the Senator correctly, he referred to the adoption of an amendment to the Constitution by Congress. Congress can submit an amendment to the States for their ratification, but the amendment does not become effective until three-fourths of the States ratify it.

Mr. HARRISON. I think the Senator misunderstood me. I think I said that if Congress should adopt the amendment and a sufficient number of States should ratify it, and it should become an amendment to the Constitution, in that event the apportionment should be changed, and aliens should be excluded.

Mr. JONES. I did not hear that part of the Senator's remarks.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. KING. Would not the amendment offered by the Senator, if it is accepted, call really for the acceptance of the view that we would not legislate for more than the next apportionment following the taking of a census? In other words, if the amendment of the Senator is wise, would it not logically require us to limit our work to the first apportionment?

Arguments have been made, and I understand by the Senator, at least by those who have entertained some of his views, that one of the vices of this bill, indeed, a vice so great as to make it unconstitutional, under the view of some, is that it commits to the President of the United States a legislative function, that it attempts to legislate for all time instead of limiting the provisions of the bill to the first census and the first apportionment under it. I ask the Senator why he does not limit his amendment to the first census and to the first apportionment and not take into account the possibility of a constitutional amendment and project his amendment into the future, thus subjecting it to the criticism which has been made of the bill that it attempts to bind future Congresses.

Mr. HARRISON. For the reason that if the bill in its original form should pass and the Congress in the December session next year should not enact legislation, then on the 4th of March the apportionment takes place under the terms of the bill. It is a permanent law. I can vision that a very small minority might obstruct any change in the apportionment provision after it shall have become effective. As was pointed out by the Senator from Alabama, suppose in the December session of Congress the Congress should pass an apportionment bill and the President should veto it. Then those who wanted a change would have to muster a two-thirds vote, and one-third could defeat the legislation.

I have offered the amendment in order to aid those of us who entertain the view that aliens should be excluded, that in the event under the orderly form of our Government the Constitution should be amended, then it shall be taken into consideration and the same provisions then applied as are now sought to be applied against it. It seems to me it is very fair and very just, and that those who take the different view from us with reference to aliens being counted in the enumeration could very well support the proposition because if we should ratify a constitutional amendment excluding aliens, certainly in that event the apportionment ought to be made as early as possible, carrying out the views of the American people with reference to it and excluding aliens. That is all it seeks to do.

Mr. BROUSSARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. HARRISON. I yield.

Mr. BROUSSARD. I am opposed to any delegation of power to the President or anyone else and I am opposed to legislating for future apportionments. I voted against the amendment of the Senator from Kentucky [Mr. SACKETT] providing for the exclusion of aliens——

Mr. HARRISON. May I say right there that the Senator voted against the amendment excluding aliens because he contends that under the Constitution we have no right to make the apportionment in that way. If we should ratify an amendment to the Constitution and that amendment should specifically exclude aliens, then the Senator, in keeping with the Constitution, would not think of voting for any other kind of an apportionment.

Mr. BROUSSARD. Oh, I would not think of legislating now upon a subject about which I claim we have no authority to legislate.

Mr. HARRISON. But the trouble is we are proposing to legislate and we are trying to protect ourselves from improper legislation.

Mr. BROUSSARD. An amendment was offered which I supported with my vote limiting it to the coming year and of course by adopting the amendment now offered we continue this legislation in accordance with the views of those who are insisting upon that theory.

Mr. HARRISON. We are giving to the President first, three months in which to file his statement, and then we are giving to the full Congress time to consider and enact legislation.

Mr. BROUSSARD. If the Senator will separate that from the rest of the amendment, I will support that provision, but the rest of it I can not support any more than I could the proposition of the Senator from Kentucky.

Mr. VANDENBERG. Mr. President, of course, two totally unrelated matters are proposed in connection with the amendment now submitted by the Senator from Mississippi. Why they are joined together I am unable to say.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. VANDENBERG. I yield.

Mr. HARRISON. Which one of the two unrelated propositions will the Senator accept?

Mr. VANDENBERG. If the Senator will permit me to proceed I will try to indicate my feeling regarding the entire matter.

Mr. HARRISON. I was just going to say to the Senator that in order to save time—because I know he is trying to expedite the passage of the bill—if he thinks they are two different and unrelated propositions and wants to separate them, I shall make no objection to separating them, and we will vote on them separately.

Mr. VANDENBERG. The proposition that the legislation in its additional status should harmonize with any future change

in the Constitution is a perfectly ridiculous proposition. The language used by the Senator from Mississippi in his amendment upon that proposition seems to me to be rather involved.

Mr. HARRISON. If it is involved it is because of the peculiar question with which we are dealing. The Senator some time in the debate quoted from the legislative counsel. The Legislative Reference Bureau drafted my amendment. Of course, if the Senator thinks he could make it clearer, then I am willing to accept an amendment to clarify it.

Mr. VANDENBERG. I think I could do so.

Mr. HARRISON. The expert draftsmen are the ones who prepared it. The experts drafted it, not I.

Mr. VANDENBERG. The Senator's reliance upon the experts is spasmodic. I should say the section of the bill might well provide that upon the ratification of any amendment to the Constitution excluding aliens from the persons to be counted in making an apportionment of Representatives, then the provisions of the section similarly shall exclude the aliens in all respects from the statement and the apportionment therein provided.

But that is purely a minor phase of the proposition submitted by my able friend from Mississippi. In a nutshell, the amendment submitted by the Senator is an effort to stave off reapportionment for two final years. It would perpetuate the existing trespass until 1934. That is the real purpose which is sought to be reached. It would permit the election of one more Congress on an anticonstitutional basis and one more President through a presidential Electoral College erected on an anticonstitutional basis.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. VANDENBERG. I yield.

Mr. DILL. Would the Senator have the same objection if it applied only to future reapportionments after the first one ahead of us?

Mr. VANDENBERG. The Senator would not have the same objection, I will say to my friend from Washington, because in this particular situation where already Congress is guilty of a default of nearly a decade I feel that it is almost a travesty upon good faith to talk about making now a new apportionment and still putting it forward four or five additional years.

Mr. DILL. I agree with the Senator as to this apportionment, but I think the Senator must agree that it is almost impossible to consider a piece of disputed legislation and pass it through this body that must be introduced after we convene for the short session of Congress. I for one think the worst feature of the bill as it came from the committee is the provision which allows Congress only three months in which to reapportion or be at the mercy of the old rule of advice of the President.

Mr. VANDENBERG. Mr. President, much as I should like to yield to my friends, I shall have to ask the privilege of proceeding without interruption because of the time limit, unless I am through within the time limit, which result I hope I shall be able to accomplish.

The Senator's amendment presents a very plausible hypothesis. It is said that Congress should have a longer preliminary opportunity to pass its own apportionment bill before the automatic section becomes operative. But this excuse is answered by the record. It is answered by the record which proves that four out of the last five reapportionment bills have been passed in short sessions, and in my judgment no reapportionment bill ever will have any difficulty in passing in a short session if there is a will resident in the Congress to meet that constitutional duty. If the will is not present in the Congress, then I submit that under the terms of the bill the presumption should run in favor of the Constitution rather than against it. That is the only change in the situation. We had a short session of Congress a few months ago in which precisely the type of situation indicated by the Senator from Mississippi did arise, and, using his own language, it was possible for a minority, and I think a very small minority, to intrench against the passage in the Senate of reapportionment legislation which had been approved by the House of Representatives. Under the bill, if that situation were to arise as a result of the language and the structure here provided, it would simply reverse the presumption and make it difficult to defeat the automatic reapportionment.

But the bill pegs a point over which Congress can not pass without having reapportionment become operative on a fixed and standard basis. We have accepted an amendment offered by the distinguished Senator from Montana [Mr. WALSH] which specifically permits every future Congress to deal with the matter precisely as it sees fit, wholly as a free agent, without any restraint, without limitation whatsoever. We have taken that language submitted by the Senator from Montana and put it in the bill. I am glad it is in the bill. It is wholly in line with the purpose I had in mind in offering the legislation—no purpose to bind future Congresses beyond the decennial peg points at which something must happen. That is the theory of the bill.

I repeat that it would be a travesty upon good faith for this Congress to pretend to answer the apportionment problem and set that peg over to 1934. That is the sole issue before the Senate. Shall we prolong to put in here the period of trespass and default and contempt under which great American constituencies are suffering to-day? Shall we in good faith undertake to write a formula which permits Congress a fair opportunity to speak for itself but which denies to Congress for one specific period the right of inertia? Shall we undertake to meet our problem in that fashion in the good faith which the American people are expected to ask of us? If we should, most assuredly 1932 is the year when the apportionment should take effect. It is the first possible time it can take effect after the 1930 census. There is ample opportunity and ample time for the taking of a census and the report and the subsequent action of the Congress. There is no reason on earth, save the selfish reason of trying to save improper representation for two more years. There is no other reason that can defend the amendment.

Mr. DILL. Mr. President, I shall not consume much time, but I am much disappointed in the Senator from Michigan that he is so set upon the apportionment question at this time affecting the immediate congressional apportionment that he is willing and desirous to disregard the constitutional method of apportionment in the future laid down in the Constitution itself. He points out the fact that in the last four or five apportionments it has been done during a short session immediately following a census. Yet he has before him the case of the failure of Congress to apportion over a series of Congresses.

He is desirous of tying every Congress to a three months' consideration of apportionment or else have the Executive take action that has never been taken in the history of this Government. I am anxious to see the House of Representatives reapportioned; I believe that Congress has failed to do its duty; I have no desire to see the passage of the pending apportionment bill put off for a single day longer than is necessary; but what I complain of in the argument of the Senator from Michigan [Mr. VANDENBERG] is that it wholly disregards the fact that if a few men should undertake to prevent an apportionment in a Congress in the future, this great power would be turned over to the Executive. I believe that Congress ought to be given a fair chance, a fair opportunity, in a regular session to do its duty, and then, if it fails to do its duty when it has had a full opportunity during two sessions, that power may, with some propriety, be turned over to the Executive.

I am anxious to have the bill pass; I am anxious to see reapportionment brought about; but I think we should keep in mind a little bit the proper spheres of the legislative and executive departments of the Government.

I have but little interest in the second part of the amendment, because I do not think the Constitution is going to be amended as referred to therein, and I do not see very much use in legislating as to something that may never happen and which can be better met if that should happen; but I do hope that Senators in charge of the bill will see their way clear to allow this proposed legislation to be amended in such a manner as will give future Congresses the opportunity to act without delegating the power to the Executive after a mere three months' session of Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Dale	Harris	Moses
Ashurst	Deneen	Harrison	Norris
Barkley	Dill	Hastings	Nye
Bingham	Edge	Hatfield	Oddie
Black	Fess	Hayden	Overman
Blaine	Fletcher	Hebert	Patterson
Blease	Frazier	Heflin	Phipps
Borah	George	Johnson	Pine
Brookhart	Gillett	Jones	Pittman
Broussard	Glass	Kean	Ransdell
Burton	Glenn	King	Reed
Capper	Goff	La Follette	Robinson, Ind.
Connally	Goldsborough	McKellar	Sackett
Copeland	Gould	McMaster	Schall
Couzens	Greene	McNary	Sheppard
Cutting	Hale	Metcalf	Shortridge

Simmons	Swanson	Tyson	Walsh, Mont.
Smith	Thomas, Idaho	Vandenberg	Warren
Steck	Townsend	Wagner	Watson
Steiwer	Trammell	Walcott	Wheeler
Stephens	Tydings	Walsh, Mass.	

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Mississippi, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. CARAWAY]. If I were at liberty to vote, I should vote "nay."

Mr. METCALF (when his name was called). On this question I have a pair with the Senator from Arkansas [Mr. ROBINSON]. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CUTTING (after having voted in the negative). I inquire if my colleague the senior Senator from New Mexico [Mr. BRATTON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. CUTTING. I have a pair with my colleague. Not knowing how he would vote on this amendment, I withdraw my vote.

Mr. BINGHAM. I have a general pair with the Senator from Virginia [Mr. GLASS]. I transfer that pair to the junior Senator from Colorado [Mr. WATERMAN] and will vote. I vote "nay." I understand that, if present, the Senator from Virginia [Mr. GLASS] would vote "yea."

The result was announced—yeas 24, nays 55, as follows:

YEAS—24

Barkley	Dill	McKellar	Smith
Black	Frazier	McMaster	Steck
Blease	George	Nye	Stephens
Brookhart	Harris	Reed	Swanson
Connally	Harrison	Sackett	Tydings
Dale	Heflin	Sheppard	Tyson

NAYS—55

Allen	Glenn	La Follette	Simmons
Ashurst	Goff	McNary	Steiwer
Bingham	Goldsborough	Moses	Thomas, Idaho
Blaine	Gould	Norris	Townsend
Borah	Greene	Oddie	Trammell
Broussard	Hale	Overman	Vandenberg
Burton	Hastings	Patterson	Wagner
Capper	Hatfield	Phipps	Walcott
Copeland	Hayden	Pine	Walsh, Mass.
Couzens	Hebert	Pittman	Walsh, Mont.
Deneen	Johnson	Ransdell	Warren
Edge	Jones	Robinson, Ind.	Watson
Fess	Kean	Schall	Wheeler
Fletcher	Keyes	Shortridge	

NOT VOTING—16

Bratton	Glass	King	Shipstead
Caraway	Hawes	Metcalf	Smoot
Cutting	Howell	Norbeck	Thomas, Okla.
Gillett	Kendrick	Robinson, Ark.	Waterman

So Mr. HARRISON's amendment was rejected.

OPEN EXECUTIVE SESSIONS AND PRIVILEGES OF THE FLOOR

Mr. HARRISON obtained the floor.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I do.

Mr. MOSES. I ask unanimous consent, out of order, to submit two reports from the Committee on Rules and ask that they be printed.

The VICE PRESIDENT. Without objection, the reports will be received.

Mr. MOSES, from the Committee on Rules, to which was referred the resolution (S. Res. 19) to amend paragraph 2 of Rule XXXVIII relating to proceedings on nominations in executive session, reported it with amendments.

He also, from the same committee, reported a resolution (S. Res. 76), as follows:

Resolved, That Rule XXXIII of the Standing Rules of the Senate be amended to read as follows:

"RULE XXXIII

"PRIVILEGE OF THE FLOOR

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States and his private secretary.

"The President elect and Vice President elect of the United States.

"Ex-Presidents and ex-Vice Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants at Arms of the Senate.

"Members of the House of Representatives and Members elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant at Arms of the House and his chief deputy, the Clerk of the House and his deputy, and the Doorkeeper of the House.

"Heads of the executive departments.

"Ambassadors and ministers of the United States.

"Governors of States and Territories and insular possessions.

"The General of the Armies and the Chief of Staff of the Army.

"The Chief of Operations of the Navy.

"Members of national legislatures of foreign countries which extend reciprocal courtesy to Members of the Congress of the United States.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

"The Architect of the Capitol.

"Clerks of Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such."

Mr. MOSES. I further ask unanimous consent that these reports may be taken up for consideration at 3 o'clock on Thursday of next week; and I invite the attention of the Senator from Washington to my request.

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. HARRISON. I yield.

Mr. JONES. Mr. President, that is entirely agreeable to me. I understand that several Senators have to be away for various reasons, and it probably would be almost impossible to take up the matter before that date. I am perfectly willing to agree that that order shall be made.

Mr. BORAH. Mr. President, I do not desire to consent to that proposal until some arrangement is made about some other matters which are on the calendar.

The VICE PRESIDENT. Objection is made. The reports will be printed, and go to the calendar.

Mr. HARRISON. I ask unanimous consent that the minority members of the Rules Committee may also file minority reports if they desire to do so.

The VICE PRESIDENT. Without objection, leave is granted.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be stated.

The CHIEF CLERK. On page 16, lines 11 and 12, it is proposed to strike out the words "on the first day, or within one week thereafter, of the" and to insert in lieu thereof the words "before the expiration of the."

On page 17, beginning in line 1, it is proposed to strike out through the word "Congress," in line 4, and to insert in lieu thereof the following:

If the Congress to which the statement required by section 1 is transmitted, and the succeeding Congress, fail to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the third Congress succeeding the Congress to which such statement is transmitted——

Mr. HARRISON. Mr. President, the whole idea of this amendment is to give to the President one short session of Congress, from December to March, in which to file his statement, and that the Congress shall have one full Congress thereafter in which to consider this great question.

May I say that in reading over the dates of passage of the various apportionment bills I observed that with but two exceptions the Congress has always taken at least three years from the taking of the census before the apportionment bill was passed; and in every one of those there was an increased number of Representatives, and no very great increase in the population. We are here confronted with a large increase in population with no increase in the number of Representatives, causing a disarrangement in all the States of this Union; and I submit that in such an important matter as this at least one full Congress should be given the opportunity to consider this important question and pass a bill dealing with it before it shall become the law.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. I yield.

Mr. DILL. I am interested in what the Senator says about the length of time it has taken to apportion Representatives, because a few moments ago the Senator from Michigan [Mr. VANDENBERG] said that in the last four or five cases the apportionment had been made in the short session following the census. I desire to know who is correct.

Mr. VANDENBERG. Mr. President——

Mr. HARRISON. I can read them off if the Senator desires to have me do so.

Mr. VANDENBERG. Mr. President, will the Senator permit me to make a statement?

Mr. HARRISON. I yield.

Mr. VANDENBERG. There is no disharmony in the two statements that have been made. The Senator from Mississippi is discussing the length of time that has intervened between a census and the final action of Congress. I have been discussing the character of the session, whether short or long, in which the action has occurred.

Mr. DILL. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Mississippi further yield to the Senator from Washington?

Mr. HARRISON. I do.

Mr. DILL. The impression the Senator gave a moment ago, when I asked him the question, was that it had been done in the short session of Congress.

Mr. VANDENBERG. That is correct.

Mr. DILL. Now, I want to get the statement of the Senator from Mississippi about the matter.

Mr. HARRISON. Let me read the dates and see.

Here is when the apportionment bills were passed:

April 14, 1792, when the membership was only 105.

January 14, 1802, two years after the census.

December 21, 1811. The total was 181 then. The census was taken in November, 1800.

March 7, 1822, two years following the census.

May 22, 1832, two years and more following the census.

June 25, 1842, two and a half years following the census.

July 30, 1852, two and a half years.

March 4, 1862.

February 2, 1872.

February 25, 1882.

February 7, 1891.

January 16, 1901.

August 8, 1911.

Those are the times of the passage of these bills.

I submit that under those circumstances the Congress was not limited as to the time when it was going to pass the bill; but here you propose to limit the consideration of Congress and give it only a short three months in which to consider the measure, notwithstanding the fact of this large increase in population—I do not know what it is, but evidently around 20,000,000—without any proposed increase in the number of Representatives, which will cause certain States to lose, which prior apportionment bills did not do. So I submit that the Congress ought at least to have two years in which to do this.

Mr. VANDENBERG. Mr. President, I do not care to repeat the argument already made. I desire, however, to reemphasize the fact that in response to the Senator from Washington [Mr. DILL] I stated the truth, and it is in no sense in contradiction to the figures and dates submitted by the Senator from Mississippi.

Four of the last five reapportionments have been passed in short sessions of Congress. The Senator from Mississippi was reading the dates upon which the action was taken in relation to the census. He had to stop, Mr. President, at August 8, 1911.

Mr. HARRISON. Mr. President, I did not stop anywhere.

Mr. VANDENBERG. The Senator had to stop with 1911.

Mr. HARRISON. I gave to the Senate full and frank information, and I stated just what the Senator has stated. It was not a question of stopping anywhere. The Senator assumes too much.

Mr. VANDENBERG. Will the Senator indicate any reapportionment that has been passed since 1911?

Mr. HARRISON. Why, of course, none has been passed since then.

Mr. VANDENBERG. Of course not. Why, then, the indication that there is any disagreement between us?

Mr. HARRISON. But the Senator's own party has been in control for eight years. Do not blame the Senator from Mississippi for that. I am willing to cooperate in the passage of an apportionment bill based upon a census that has already been taken; but here you propose to base one upon a census that is to be taken. All we are asking by this amendment is to give to the Congress a little time in which to consider the matter before turning it over to a President so that he can simply put it in effect right away.

Mr. VANDENBERG. The Senator from Mississippi is entirely too modest. He is entitled to all the credit for preventing, in the last session of Congress, any consideration by the Congress of this constitutional default. But whether that be so or not, we revert to the proposition upon which the Senate has just voted. This amendment is in practically every respect a mere repetition of the purpose which was sought to be accomplished before, namely, in effect, to postpone the next apportionment until 1934. I repeat that since the Senator did have to stop calling the roll of apportionments at 1911, he had to stop at a point which emphasizes the extent of the responsibility upon the next Congress for the default of the last nine years; and he has emphasized the fact that it would be a travesty for us now to pretend to answer the question and to postpone the answer to 1934.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. The Senator from Mississippi.

SEVERAL SENATORS. Vote!

Mr. HARRISON. We are going to vote. There will not be any unnecessary delay. You are going to get your apportionment bill, I presume. Give us a little time here.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator has said that we have just voted on the proposition.

Mr. VANDENBERG. I yield to the Senator, inasmuch as he is not entitled to speak in his own time.

Mr. HARRISON. I will speak in my own time. The Senator can not monopolize all the time.

Mr. JOHNSON. Mr. President, I rise to a point of order. The Senator from Mississippi has already spoken once upon the amendment.

Mr. HARRISON. Yes.

Mr. JOHNSON. And I make the point that he is not entitled again to speak upon it.

Mr. HARRISON. I did not occupy my 30 minutes. The Senator may read the agreement.

The VICE PRESIDENT. Let the agreement be read.

Mr. VANDENBERG. Mr. President, regardless of the point, I have risen, not yielding the floor, in order to yield to the Senator from Mississippi.

Mr. HARRISON. I do not ask any courtesy in that respect. I know what the unanimous-consent agreement is. I have tried to live up to it. I have tried to cooperate with the two Senators in charge of the bill——

Mr. VANDENBERG. That is entirely true.

Mr. HARRISON. And I know the agreement says that I have a right to speak 30 minutes on every amendment; and I have not spoken 30 minutes on this amendment.

Mr. JOHNSON. Oh, no; wait a minute.

The VICE PRESIDENT. Let the unanimous-consent agreement be read.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock p. m. on the calendar day of Thursday, May 23, 1929, no Senator may speak more than once or longer than 30 minutes upon the pending bill, S. 312, a bill to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress (Calendar No. 3), or any amendment proposed thereto.

Mr. HARRISON. All right; that is right.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. HARRISON. Now, if the Senator will yield——

Mr. BLACK. Mr. President——

The VICE PRESIDENT. The Senator from Alabama.

Mr. VANDENBERG. I yield to the Senator from Mississippi.

Mr. BLACK. I think I have the floor.

The VICE PRESIDENT. The Senator from Michigan [Mr. VANDENBERG] really had the floor.

Mr. BLACK. Mr. President, I rise to a point of order. The Senator from Michigan has already spoken once.

Mr. VANDENBERG. I am yielding and speaking now.

The VICE PRESIDENT. One at a time.

Mr. HARRISON. Mr. President, who has the floor?

The VICE PRESIDENT. The Senator from Michigan has the floor and yields to the Senator from Mississippi.

Mr. HARRISON. Mr. President, does the Senator yield?

Mr. VANDENBERG. I yield.

Mr. HARRISON. The Senator has just made the statement that this amendment was incorporated in the other amendment, and does about what the other amendment did. I know of three Senators around me who, I think, will vote for this

amendment who did not vote for the other one because of the alien proposition incorporated in the other amendment; and I submit that there is all the difference in the world between the two amendments.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I repeat the announcement I made before as to my pair with the junior Senator from Arkansas [Mr. CARAWAY]. In his absence I withhold my vote. If privileged to vote, I would vote "nay."

The roll call was concluded.

Mr. METCALF. On this vote I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, not knowing how he would vote, and being unable to obtain a transfer, I withdraw my vote.

The result was announced—yeas 28, nays 51, as follows:

YEAS—28

Barkley	Dale	Heflin	Sheppard
Black	Dill	King	Smith
Blease	Frazier	McKellar	Stephens
Bratton	George	McMaster	Swanson
Brookhart	Harris	Nye	Tydings
Broussard	Harrison	Patterson	Tyson
Connally	Hawes	Reed	Wheeler

NAYS—51

Allen	Goff	Keyes	Steiwer
Ashurst	Goldsborough	La Follette	Thomas, Idaho
Blaine	Gould	McNary	Townsend
Burton	Greene	Moses	Trammell
Capper	Hale	Norris	Vandenberg
Copeland	Hastings	Oddie	Wagner
Couzens	Hatfield	Overman	Walcott
Cutting	Hayden	Phipps	Walsh, Mass.
Deneen	Hebert	Pittman	Walsh, Mont.
Edge	Johnson	Robinson, Ind.	Warren
Fess	Jones	Schall	Waterman
Fletcher	Kean	Shortridge	Watson
Glenn	Kendrick	Simmons	

NOT VOTING—16

Bingham	Glass	Pine	Shipstead
Borah	Howell	Ransdell	Smoot
Caraway	Metcalf	Robinson, Ark.	Steck
Gillett	Norbeck	Sackett	Thomas, Okla.

So Mr. HARRISON's amendment was rejected.

Mr. DILL. Mr. President, I send an amendment to the clerk's desk.

The VICE PRESIDENT. The Senator from Washington proposes the following amendment, which will be reported.

The CHIEF CLERK. On page 5, line 13, after the word "unemployment," the Senator from Washington proposes to insert the words "to radio sets."

Mr. DILL. Mr. President, I do not desire to take time of the Senate to elaborate on this amendment other than to say that it will require only one or two questions as to whether or not there is a radio set in the home and whether it is a crystal or tube set. That is information which is highly desirable from the standpoint of the regulation of radio, the allocation of wave lengths, power, and station time. It would be such a small addition in work and expense and of such great value that I hope the amendment will be adopted.

Mr. HARRIS. Mr. President, most of the information referred to in this amendment can be gotten from the factories without expense. One of the questions to which the Senator refers as being a small matter would cost a great many thousand dollars, and the cost of taking this census will cost more than ever before. The more questions we add for the census enumerators to get answers to the greater the expense will be, and, I repeat, all this information can be furnished by the radio factories.

Mr. REED. Mr. President, a word of explanation regarding the vote on the last two amendments.

I voted for each of those amendments, not realizing that the first one of the two involved the same constitutional question regarding aliens that had been involved in the so-called Sackett amendment. Had I known that, I would have voted in the negative on the first amendment and voted in the affirmative, as I did, on the second.

I am in favor of giving the extra time for consideration by Congress of the new apportionment, and that was the question I thought was involved; but the constitutional question regarding the counting of aliens I have already discussed, and if I had known that was included I would, therefore, have voted in the negative.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Washington [Mr. DILL].

Mr. COUZENS. I ask for the yeas and nays.

Mr. BINGHAM. May the amendment be stated?

The Chief Clerk again stated the amendment.

The VICE PRESIDENT. The yeas and nays have been demanded. Is the demand sufficiently seconded?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. GLASS], who is absent. Not knowing how he would vote if present and not being able to obtain a transfer, I withhold my vote.

Mr. GILLETT (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], and in his absence I withhold my vote.

Mr. METCALF (when his name was called). On this vote I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. In his absence, not knowing how he would vote, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 65, nays 18, as follows:

YEAS—65

Ashurst	Fletcher	McNary	Smoot
Barkley	Frazier	Moses	Steiwer
Black	George	Norris	Swanson
Blaine	Glenn	Nye	Thomas, Idaho
Blease	Greene	Oddie	Townsend
Borah	Hale	Overman	Trammell
Bratton	Harrison	Patterson	Tydings
Brookhart	Hawes	Phipps	Vandenberg
Broussard	Hayden	Pittman	Wagner
Capper	Heflin	Ransdell	Walsh, Mass.
Connally	Howell	Reed	Walsh, Mont.
Copeland	Johnson	Robinson, Ind.	Warren
Couzens	Jones	Schall	Waterman
Dale	Keyes	Sheppard	Wheeler
Deneen	La Follette	Shortridge	
Dill	McKellar	Simmons	
Fess	McMaster	Smith	

NAYS—18

Allen	Goldsborough	Hebert	Tyson
Burton	Gould	Kean	Walcott
Cutting	Harris	Kendrick	Watson
Edge	Hastings	King	
Goff	Hatfield	Norbeck	

NOT VOTING—12

Bingham	Glass	Robinson, Ark.	Steck
Caraway	Metcalf	Sackett	Stephens
Gillett	Pine	Shipstead	Thomas, Okla.

So Mr. DILL's amendment was agreed to.

Mr. JONES. Mr. President, on page 12, lines 24 and 25, there is a proviso reading as follows:

Provided, however, That punch cards shall not be considered as printing within the meaning of this section.

There has been a considerable controversy between the Public Printer and the Director of the Census, but they have reached a satisfactory understanding with reference to the matter as evidenced by a letter from the Director of the Census which I have and which has been read to the Public Printer. Therefore I move to strike out that proviso.

The VICE PRESIDENT. The clerk will report the amendment proposed by the Senator from Washington.

The CHIEF CLERK. On page 12, in line 23, strike out the colon and in lines 24 and 25 strike out the words "*Provided, however,* That punch cards shall not be considered as printing within the meaning of this section."

Mr. JONES. I may say that this is entirely agreeable to the chairman of the Committee on Printing. I ask unanimous consent that the letter from the Director of the Census may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, May 28, 1929.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your request, we conferred with the Public Printer yesterday. I believe the whole difficulty can be ironed out very satisfactorily if it is now definitely understood and agreed that the Public Printer will, during the census period of three years beginning July 1, 1929, and in compliance with the request of the Director of the Census, recommend to the Joint Committee on Printing that contracts be issued for the purchase of tabulating cards. The object of this is to enable the Director of the Census to determine whether or not the cards are of the proper texture to enable them to pass satisfactorily through the tabulating machinery. It is important to have this method of procedure definitely determined now.

It is apt to cause embarrassment and serious delay in the census work if there is any delay in furnishing satisfactory cards, and my whole object is to take some action that will insure against such an embarrassing situation.

Unless an agreement of this character can be entered into at this time, I feel confident that it would be advisable for the law to pass as suggested by this bureau, containing the provision: "*Provided, however,* That punch cards shall not be considered as printing within the meaning of this section."

Very truly yours,

W. M. STEUART, *Director.*

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. BLACK obtained the floor.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. FLETCHER. I understand the Senator's amendment has to do with the printing of punch cards?

Mr. JONES. Yes.

Mr. FLETCHER. It will enable the Government Printing Office to furnish them if they can do so?

Mr. JONES. It is the understanding that the Public Printer will not try to print them at the Government Printing Office, but he will make contracts to get the cards desired by the Director of the Census. The Director of the Census will determine the character and kind of cards necessary.

Mr. MOSES. Mr. President, I ask the Senator from Alabama if he will yield to me.

Mr. BLACK. I yield to the Senator from New Hampshire.

Mr. MOSES. I want to assure the Senator from Florida that the proposal now pending is simply to carry out the purpose of a section in the legislative appropriation act passed at the close of the last Congress; in other words, to see that the printing act of 1895, with which the Senator as former chairman of the committee is thoroughly familiar, is observed with reference to the printing of the census and all other matters; that is, to see that nothing which the Joint Committee on Printing proposed to the Senate and agreed to be enacted by the Senate in the legislative appropriation act is violated by the amendment which the Senator from Washington proposes, but on the contrary the spirit of that act is to be carried out in full.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Florida?

Mr. BLACK. I yield.

Mr. FLETCHER. That is precisely what I wanted to understand. The law provides that after its passage such printing, binding, and blank-book work authorized by law as the Public Printer is not able to do at the Printing Office may be purchased elsewhere under contract made by him with the approval of the Joint Committee on Printing. That is what I wanted to have observed.

Mr. MOSES. Mr. President, if the Senator from Alabama will yield further——

Mr. BLACK. I yield.

Mr. MOSES. I can assure the Senator from Florida of the fact that after several days of negotiations that is exactly the result which has been reached.

Mr. BLACK. Mr. President, I send to the desk an amendment and ask for its consideration.

The VICE PRESIDENT. The Senator from Alabama offers an amendment, which will be stated.

The CHIEF CLERK. On page 16, lines 23 and 24, the Senator from Alabama moves to amend by striking out the words "by the method used in the last preceding apportionment" and substituting therefor the words "by the method of equal proportions."

Mr. BLACK. Mr. President, it is refreshing to see an amendment adopted to the bill as the last amendment was adopted, and I congratulate Senators from the West upon the ease with which they agree to the adoption of an amendment which is explained after it has been practically unanimously adopted.

The amendment which I have offered is one which I feel sure, if Senators will study irrespective of party regularity, will be adopted. Of course, I understand thoroughly the great importance of voting regularly; but this an amendment which goes to the real merits of the bill, and upon the determination of the amendment will be decided whether the small States of the Union shall have a fair chance with the large States.

The bill as it is written is evidently a good bill for the State of Michigan, it is evidently a good bill for the State of California, but it is manifestly an unfair and unjust bill for those States which do not have such immense populations. I make that statement not upon my own initiative nor upon facts which I have discovered myself but upon the findings of the American Academy of Political Science. I make the statement that if the bill goes through as it is written Senators who are not from the large States of the Union are doing something which the American Academy of Political Science says is unfair and unjust to their people. Of course, I understand that sometimes when the exigency demands it and the party call is loud enough the rights of the citizens of the States count for very little. But I make the repeated assertion, on the basis of the statement of the American Academy of Political Science, that the bill is written in the interest of the representation of the larger States of the Union and to militate directly against the States of moderate size or small size.

I desire to read from a statement that was made very frankly by a Congressman from the State of New York with reference to the method of major fractions. Here is his language:

The larger States gain more under major fractions than under equal proportions, and the smaller States get less.

That was not made simply upon his own knowledge, but the advisory committee to the Senate, an advisory committee appointed by the dominant party in the Union, makes the statement:

It [the method of equal proportions] is somewhat more favorable to the small States than is the method of major fractions.

Then going a little further we find this statement by an eminent mathematician of the country:

The only method which gives a fair and equitable apportionment—that is, the only method which puts every State as nearly as possible on a parity with every other State—is known as the method of equal proportions, which first became available in 1921. This method has received the unanimous indorsement of every scientific body which has examined it, including the advisory committee of the census. It does away with all complexities of "quotients" and "remainders" which led to such unseemly "scrambles for fractions" at every reapportionment in the past.

The closing paragraph of the report by the advisory committee of the Senate makes the direct statement that—

The method of equal proportions is the only fair method which has yet been proposed, taking into consideration the rights not only of the large and small States but the States of moderate size.

The pending bill proposes to enact into law the system of major fractions which can only be gained after the President has made a report according to the major-fractions system during the short session of Congress. If the committee desire to put a fair method of determination in the census they did not have to say that the President should use the method which was last used by the census. They could very easily have said that that method which is fair shall be used, and the unanimous voice of the scientists all over the United States with one exception proclaims that the method of equal proportions is best.

There are three methods which are most widely known. One is the method of minimum ranges. That method would be unfair so far as the large States are concerned. It would give an unjust representation to the small States. Then there is a method diametrically opposed, the major-fractions method. That method is unfair as against the small States and gives an unjust representation to the large States. Then there is a method which is halfway between, the method of equal proportions, which the scientists say and which the advisory committee to the census says and which the American Academy of Political Science says is the only fair and just method of determining the representation of the States. Yet we are asked to swallow this entire bill without having any amendment on it except the one which the Senator from Washington [Mr. JONES] proposes from the floor without explanation. We are asked to adopt the bill and let it become the law even though it is unfair to the moderate-sized States and the small States of the Union.

The statement has been made upon the floor that according to the estimated census there would be a difference of only one Representative. That statement is manifestly not correct unless the estimate is made in such manner as to provide that there shall be a difference of only one. As a matter of fact, the hearings before the committee show that, taking the census of 1920, there was a difference as I recall—the Senator from Michigan can correct me if I am wrong—of six Members of the House of Representatives.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. BLACK. I yield to the Senator.

Mr. VANDENBERG. There was a difference of three, which, of course, if you add the transfers on both sides makes six. There are only three seats involved in the transfer.

Mr. BLACK. Mr. President, let us see what Professor Huntington, who is an expert mathematician, says:

The choice of the wrong method may give incorrect representation to a large number of States. In 1920, six States would have been incorrectly represented if 435 Members had been apportioned by the method of major fractions.

That is not my statement; that is the statement of an eminent scientist connected with one of the great universities of this Nation.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from Michigan?

Mr. BLACK. Yes.

Mr. VANDENBERG. I am sure there is no intention on the part of the Senator from Alabama to misrepresent the premise. Professor Huntington, in his statement, is referring to six States that are involved, not three seats. He is referring to States which would have lost and which would have gained in each instance. I would not want the Senator to leave the impression that I had misled him in my statement. I repeat, and Professor Huntington repeats, that there were three seats involved, which, in turn, affected six States. Let us not misunderstand the premise.

Mr. BLACK. I take the position that if six States are affected wrongly it is unjust to ask the Members of this body to perpetuate that wrong. But let us go a little further:

In 1930, if the estimated populations prove to be in error by only 2 or 3 per cent—

And I think all Senators will concede that no man can estimate population exactly—

a case may arise in which 22 States would be incorrectly represented.

That is not my statement; that is the statement of one of the most eminent mathematicians in the United States—

The report of the National Academy of Sciences confirms the earlier report of the advisory committee to the Director of the Census, which concluded that "the method of equal proportions, consistent as it is with the literal meaning of the words of the Constitution, is logically superior to the method of major fractions."

I commend to those who voted on constitutional grounds against the provision to exclude aliens in the count the statement of the advisory committee to the census that if it is desired to come most nearly following the Constitution there should be adopted the system of equal proportions. It said that those who framed this bill have gotten around all that. How have they done it? Here is the excuse that is offered: They do not use the exact language, "system of major fractions," but the bill provides that the President shall use that system which was in use in the last preceding census. Of course, they had just as well said "major fractions," but the bill provides they shall use that method which was in effect in the last preceding census. That means they are attempting to perpetuate an unfair and an unjust method.

It may be true, referring to the great constitutional question involved, that an explanation may be made to the smaller Sates of the Union and to the moderate-sized States as to why there should have been engrafted on the law a system which will rob them of their representation. The Senate has just voted against excluding from the count aliens in the large States, and in that way has allowed perhaps 30 Representatives to people who can not vote. If we add to that a system which, according to Professor Huntington, will probably change the number of Representatives of 22 States, we will change the complexion of the Electoral College, and change, perhaps, the destiny of the Nation in the election of a President.

What is proposed to be done? The population is gradually, naturally, and normally drifting from the country to the city; and if we adopt the system of major fractions, we shall be accelerating that natural condition and giving to the cities an unfair and unjust advantage. I would not rob the cities of one Representative to which their population entitles them; I do not believe in the system of permitting a constituency to have representation based on an old census; I believe in a constant and regular reapportionment; but I do not believe when that apportionment is figured we, as the representatives of the people of this Nation, have the right to adopt a method which is unfair to the rural communities and will work prejudicially against them in favor of the larger States of the Union.

The statement may be made that these gentlemen do not know what they are talking about. I can not say whether they do or not; but I know that the American Academy of Political Sciences has a reasonably good reputation for justice, for impartiality, and for scientific knowledge. I know that the advisers to the Census Bureau should have been, if they were not, appointed not by reason of partisan prejudice but on account of scientific and mathematical knowledge, and I know that both of them have put into this record a direct statement that the method of major fractions is unfair and unjust. It would be just as fair to me to have offered an amendment proposing to adopt the minimum-range system because that gives an unfair and unjust representation to the smaller States; but I have offered no such amendment. I have taken the plan that is suggested by the scientists and mathematicians; I have taken the plan which was unanimously reported by the census advisory committee and I have offered it as an amendment.

Of course, Mr. President, that amendment, perhaps as others have been, will be voted down, and there will be perpetuated a system which is unholy, unrighteous, and unjust, because the committee has reported after a hearing lasting only one day. The evidence, however, before the House committee when it was taken showed overwhelmingly that the system of equal proportions was the only fair and just method.

Now listen to what Doctor Hill says. He is the census advisor, one of the men who was in charge of the taking of the census. Here are his words, taken verbatim from his language. I call upon all the Senators who desire to give a fair representation to the States to listen. Of course, it is not necessary for those to listen who have already made up their minds that they will take the bill as it is written. Here, however, is what Doctor Hill says:

If it be desired to have a method which shall be as favorable to the large States as possible, then the method of major fractions should be used.

That is not my language; that is the language of a gentleman who is one of those at the head of the census to-day.

Now listen to his next sentence:

If it be desired to have a method to favor the small States as much as possible, then the method of minimum range should be used.

That is not my language; that is the language of Doctor Hill, of the Census Bureau. Further he says:

If it be desired to adopt a method intermediate between these two, not as favorable to the large States as major fractions nor as favorable to the small States as the method of minimum range, then the right method is the method of equal proportions.

I invite Senators who desire to see that the population of America shall be fairly and justly represented to study the difference between major fractions, equal proportions, and minimum range. I know the answer will be made that Congress can change the method at the short session; but I know and you know, Mr. President, and everyone else knows that the Congress will not do so.

The Senate has just denied to the people of this country the right to have two Congresses consider the question and has written into the bill that after a period of 75 days the President shall report on the system of major fractions. It is not required that he report on the system of equal proportions and minimum range. There you have it. With the tendency growing of people moving from the country to the city, this Congress is engaged in writing a law which takes from the rural communities that representation which is justly theirs, which robs them of it and gives it to the cities which are growing by leaps and bounds as people move from the country to the city. I have no complaint about the cities having their proper representation after they have the population, but the objection I have is to giving them a representation which their population does not justify by a system which is unjust, which is unfair, and which is wrong.

I submit this proposition to the Senate. Some Senators come from States of one size and some from States of another, but there is no reason why a Senator should be unfair in his vote because he comes from a large State or because he comes from a small State. There is every reason in the world why equity and justice should prevail.

Before I sit down there is just one other thing to which I desire to call attention. It may be said that the Bureau of the Census committee has now indorsed this bill, but that same census committee is on record as being opposed to the system of major fractions. Doctor Huntington said their position at this time is plainly political, but in their very statement they refer to their old statement heretofore issued and do not depart from the principles to which they advert there as being fair and just. Therefore when they refer to the old report which they made they refer to a report which tells the States of the West and of the South, which do not happen to be so fortunate as to have millions and millions of population, that the only

method which will give them a square deal is the method of equal proportions.

I ask Senators who are anxious for reapportion, as they should be, are they willing to sacrifice the right of their States to have a fair and just chance in the representation which the Constitution says they shall have merely that they may follow the plan which has been adopted by the committee after one day's hearing? I challenge them to find any statement from mathematicians or scientific men, with the single exception of Doctor Willcox, that the method of major fractions is fair and that the method of equal proportions is unfair. They have not said it. The Bureau of the Census advisory committee, on the contrary, said, "If you want to obey the Constitution take the method of equal proportions."

I leave the question to the Senate, merely adding that if those Senators who are going to vote on the question they have any question about the statement of the scientific men, the Academy of Sciences and the advisers to the Census Bureau as to the method which is fair, I refer them to the hearings before the House committee, where they can read language which condemns the system of major fractions and approves the system of equal proportions.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

Mr. VANDENBERG. Mr. President, I should be quite willing to permit this amendment to proceed immediately to a vote, except that I feel, in justice to the committee report, a statement should be made regarding this controversial perplexity.

In the first place, I want to say that I think the importance of this phase of our apportionment problem is tremendously overemphasized, and always has been. I repeat that it is an incontrovertible fact that only three seats out of 435 were involved in the relative choice of methods of reapportionment in 1920. Yet the choice of methods is magnified in this debate to the pretended dignity of an all-controlling factor. I repeat that according to the estimates for 1930, and the statement of every expert who has discussed the matter, the prospect is that the choice of a method for handling remainders will affect but one seat out of 435 in 1930. To pretend otherwise is to make mountains out of mole hills.

Doctor Hill, the scientific adviser of the Census Bureau, has said that 50 per cent of the time the same result in relation to remainders will be produced by either major fractions or equal proportions. In other words, I can not consent to the vehement effort of my distinguished friend the junior Senator from Alabama [Mr. BLACK] to make it appear that this choice of a method for handling remainders goes to the propriety and the virtue of the entire legislation, because it does not. If ever the tail wagged the dog, it does so when a debate and a dispute over a choice between methods of handling remainders is permitted to overshadow the fundamental proposition that we are involved in a consideration of what shall happen to all of 435 seats in the House of Representatives instead of merely one or two or three.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. VANDENBERG. I yield.

Mr. GEORGE. I should like to ask the Senator a question or two for information, I will say to the Senator, because I have made no study of these particular methods of making the apportionment; but, as I understand, under the major-fractions rule there would be possibly two or three seats involved.

Mr. VANDENBERG. Under either rule, I will say to the Senator, the same number of seats would be involved, as between one system or the other. Perhaps I do not grasp the Senator's question.

Mr. GEORGE. Perhaps I have not made myself clear. Under the major-fractions rule, would the preference be given to the larger States?

Mr. VANDENBERG. Will the Senator permit me to reach that in sequence? That is the ultimate crux of the argument, and I should like to reach it in due course.

Mr. GEORGE. Yes; and if so, seats in how many of the larger States?

Mr. VANDENBERG. I was trying to indicate, to begin with, that the problem of handling remainders deserves no such emphasis as it has been given. Such emphasis is a distortion of real values. This particular bill identifies no method for handling remainders whatsoever. This bill was drawn for the specific purpose of undertaking, so far as it was humanly possible, to avoid the precise controversy which my friend the Senator from Alabama precipitates upon this floor. This bill simply identifies the method for handling remainders which was used in the last preceding apportionment.

This last preceding method, the Senator is entirely correct in, saying, was the method of major fractions. In other words, the present House of Representatives sits under the method of major fractions, and has sat under the method of major fractions for nearly 20 years. If Congress fails to do its duty and make an independent apportionment, as this bill invites and permits, in the session of 1930-31, then, obviously, under the language of the bill, the method of major fractions persists. But, Mr. President, if Congress, in its wisdom at that time, does act independently and prefers the method of equal proportions, or minimum range, or any other of the methods that have been developed mathematically upon this score, it is quite free to do so; and under the language and the terms of this bill the method thus identified would, in turn, become the method identified for use under the automatic feature of the bill thereafter.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I yield to my friend.

Mr. BLACK. The Senator has said that Congress would be free to do so. Congress would be free to do so in a short session if it could get out a bill. That is correct; is it not?

Mr. VANDENBERG. The Senator is quite correct, and it has succeeded in passing such a bill in short sessions in four out of the last five decenniums prior to the ugly 1920 lapse.

Mr. KING. Mr. President, will the Senator yield for a question for information?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. VANDENBERG. I yield to the Senator.

Mr. KING. I deduce from the observations of the Senator, coupled with the statements made by the Senator from Alabama, that there is some difference in the results; that is to say——

Mr. VANDENBERG. I am coming to that, if the Senator will permit me.

Mr. KING. I was going to ask if there is any difference in the results, and if any advantage is derived by the larger States, why should we not write a provision into this bill upon the assumption that Congress may enact a provision that would do justice rather than injustice?

Mr. VANDENBERG. If the Senator will permit me to proceed in my own time, I will try to answer his question. I should like to say to all of the Senators that this problem is as perplexing and complex in its scientific aspects as any problem possibly could be, and it has been the subject of debate and argument for over a decade; so that it is utterly impossible to compress the entire explanation into one or two sentences for the illumination of the Senate.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. VANDENBERG. I will yield once more, and then I should like to be permitted to proceed.

Mr. BLACK. The Senator has said that this is a very perplexing question. I should like to ask the Senator if it is not true that all the members of the Academy of Policital Science agreed that the method of equal proportions was fair, and the other method was not fair?

Mr. VANDENBERG. No; it is not true.

Mr. BLACK. Did they not so state in their report, which can be found on page 2021 of the CONGRESSIONAL RECORD?

Mr. VANDENBERG. Will the Senator permit me to answer his question? The report is a report of four members of the academy, issued in the name of the academy.

Mr. BLACK. Did any of them dissent?

Mr. VANDENBERG. None of the four dissented.

Mr. BLACK. Have any of them dissented?

Mr. VANDENBERG. I know nothing beyond the statement of fact which I am making.

Now, Mr. President, if I may again be permitted to proceed——

The PRESIDING OFFICER (Mr. HOWELL in the chair). The Senator from Michigan has the floor.

Mr. VANDENBERG. A great deal has been said about the attitude of these experts. Upon the mathematical problem involved the Senator from Alabama is entirely correct in the quotation of the authorities which he has submitted, with one exception; but that is not his fault. The one exception is Prof. C. W. Doten, of the Massachusetts Institute of Technology, who was a member of the advisory committee of 1921, and which did report in favor of the method of equal proportions, but who writes to me voluntarily, under date of April 5, 1929, as follows:

I have always regretted having signed the report of the committee approving the Huntington method. At the time it came before our com-

mittee I was overpersuaded, I suppose, by mathematicians and desirous of avoiding unnecessary disharmony in the committee. I felt, and I feel now, that his plan—

That is, the plan of equal proportions—

would never commend itself to the plain people of the country. A great majority of the voters are not mathematicians and they can not understand the scientific basis upon which his scheme rests. They can understand the simpler process of determining this matter in accordance with Professor Willcox's plan, which is the system of major fractions. I think the idea of major fractions is so simple and so generally recognized that it is the best plan under the circumstances that can be adopted.

Mr. President, that bears upon the mathematical dispute in passing. It is the voice of an expert. But this bill undertakes to rise above the mathematical dispute. It undertakes to leave this controversial issue to the serial decisions of Congress if it wants to make these decisions. It undertakes to say that the automatic machinery of the bill shall accommodate itself to the serial decisions of Congress as those decisions are made; and it anticipates, therefore, that the solution, the choice of methods, will rest primarily in those actual apportionments which are made under the independent chapters of the bill in each decennium.

Mr. COUZENS. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to his colleague?

Mr. VANDENBERG. I do.

Mr. COUZENS. Does not the matter boil itself down to this: If the Congress exercises its rights under the bill in the short session of 1930–31, it then can adopt the equal-proportions method if it desires?

Mr. VANDENBERG. That is entirely correct.

Mr. COUZENS. So that it is not an important issue at this time, because the Congress in the short session of 1930–31 can determine either method it desires?

Mr. VANDENBERG. That is correct.

Mr. BLACK and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. VANDENBERG. Mr. President, how much time have I left?

The PRESIDING OFFICER. Twenty minutes.

Mr. GEORGE. Mr. President, we are writing a permanent apportionment bill on the theory that a minority of the Congress could prevent action through all future time. Therefore, what we put in this bill is going to remain.

Mr. COUZENS. It does not necessarily have to remain.

Mr. GEORGE. Oh, but that is the theory on which we are writing this bill.

Mr. BLACK. Why not be fair and put in equal proportions?

Mr. VANDENBERG. Mr. President, I should like to proceed.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. VANDENBERG. I want now, just as briefly as I can, to indicate what I believe to be a correct statement of the difference between the system of major fractions and the system of equal proportions.

Both of these terms describe a mathematical method for arriving at a given net result. Each is a fixed and certain formula. They differ in the component objectives which they address and embrace.

Major fractions is a formula under which every remainder over a moiety gets a Representative. It is a formula under which deviations from an exact apportionment are made as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

That is the technical definition.

A technical definition of equal proportions is as follows:

It is a formula under which the deviations are made as small as possible when measured by the relative or percentage difference.

The authority for these statements is Doctor Hill, at page 73 of the House hearings of the Sixty-ninth Congress. This comes down to the proposition, as a matter of mathematics, that the difference between the two systems is the difference of measuring relatively or absolutely. That is a statement of technical fact. I leave that and proceed to the effort to translate it into terms within the grasp of the lay mind, conceding that I have not done so up to date. These formulæ are like the terms of a chemical analysis. However baffling they may be to the layman—among whom I freely confess that I am numbered—they are distinct and specific and indubitable to the scientist and the expert. I would not presume to discuss them but for the fact that my sponsorship of reapportionment has forced me to an attempted close study of the intricacies of the problem for the better part of the past year.

I submitted the following statement to Doctor Steuart, the Director of the Census, to see if he would agree that it is a fair statement of the difference between the two methods. I ask the attention of Senators to this statement:

Major fractions apportions remainders absolutely on the straight basis of population, without preference for any State on account of its size.

Equal proportions apportions remainders on the basis of a ratio between the given remainder in any State and the total population in that State.

Doctor Steuart replied—and you will find his letter at page 2434 of the CONGRESSIONAL RECORD for the last session—that while this statement lacks detail to make it scientifically complete, it does illuminate the basic difference between major fractions and equal proportions. In other words, the fundamental difference is that equal proportions takes cognizance as one of its factors the size of the State in which a given remainder arises, whereas the system of major fractions does not.

Mr. President, all scientists agree, I believe, upon this definition, namely, that major fractions is the answer to the following question:

What method of apportionment most nearly makes the absolute differences as small as possible between the interests or shares in their Representatives held by residents of the several States, and most nearly puts the residents of all the States, in this sense, upon a basis of equal representation, regardless of the population of the States in which they reside?

Mr. President, I think, speaking generally, that identifies the major difference between these two systems. One system undertakes, without reference to the size of the State in which a citizen lives, to give him, as nearly as possible, an absolute equality of representation with the citizens in every other State; and that is the system of major fractions. The system of equal proportions undertakes to relate the status of a citizen to the size of the State in which he lives before it rates the standing of the remainder involved in that State.

The only possible or apparent dissent is such as is expressed by the report of the National Academy of Sciences at pages 4966 and 4967 in the CONGRESSIONAL RECORD of the last session. This report says that equal proportions is the method which "occupies mathematically a neutral position with respect to emphasis on larger or smaller States."

But do not overlook this significant fact. The academy also says that it establishes this "neutrality" by consulting, among other things, the "sizes of congressional districts." This means an immediate and inevitable prejudice to large populations and thus actually sustains these prior definitions.

I dare say it is unnecessary to pursue the effort to define the systems beyond this point, although I have a vast file of testimony here bearing upon the subject.

I submit, speaking broadly now, and in general terms, that the language of the bill is absolutely justified and should, without question, be the decision of the Senate in relation to this problem for the following controlling reasons:

First, because every official expert and scientist related to the Federal Government to-day in connection with the census, in writing, recommends the language contained in this bill for this particular ministerial reapportionment purpose. That can not be gainsaid. I have the letters before me. Every member of the advisory committee of the census; three of the surviving members of the official advisory committee of the census of 1921; Doctor Steuart, Director of the Census; Dictor Hill, the scientific assistant, who supports the Director of the Census and sustains him in his academic work; all of them unite to recommend this particular language as it stands in this particular bill for this particular purpose. That is Exhibit A.

Exhibit B. Major fractions is the system under which the House of Representatives was organized in 1910, has been elected in every Congress ever since, and sits to-day. In other words, we maintain the status quo, and that is all, in relation to major fractions, when we proceed to identify the system that was used in the last preceding apportionment. We maintain the status quo until Congress specifically orders otherwise in a specific, subsequent reapportionment. We accept the method in vogue until Congress changes the method. I submit that such a process is sustained by every rule of reason.

Mr. JONES. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. JONES. The Senator said 1910. Does he mean 1810?

Mr. VANDENBERG. I mean 1910, the last actual apportionment which passed both Houses of Congress.

Mr. JONES. Oh, I see.

Mr. VANDENBERG. Thirdly, and surely this is a persuasive argument, the House of Representatives itself has passed upon this question within the last few months. Reapportionment is a problem peculiarly belonging to the House and it has decided for itself that it wants itself apportioned by the method of major fractions. This is no novel dispute that has been precipitated upon the floor of the Senate. It is a dispute which the House has canvassed in long hearings, which it has passed upon after long debate, and which it settled last January, so far as the latest decision is concerned, by writing the method of major fractions into the last reapportionment measure which it sent to us, and which, as usual, we chloroformed amid a quorum of nothing but words.

So we have the experts testifying, we have the present House of Representatives sitting under this system, we have the House of Representatives recommending this system as its best judgment in relation to this problem, which is peculiarly and particularly its own, and we have the added contemplation that, when all is said and done, we are discussing an utterly minor thing in relation to reapportionment, inasmuch as only 3 out of 435 seats were involved in this argument in 1920, and only 1 out of 435, according to the estimates for 1930, with which we have been dealing.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BLACK. I have before me the results in the 1910 census. I find that Mississippi lost one Representative under the equal proportions method, Oklahoma lost one, North Carolina lost one, Indiana lost one, and New York gained one.

Mr. VANDENBERG. What does that bear on?

Mr. BLACK. That just bears out that there were five instead of three.

Mr. VANDENBERG. I am discussing the enumeration of 1920. I discuss 1920 when I refer to the small range in remainders. I also discuss 1930 prospectively.

Mr. BLACK. I beg the Senator's pardon.

Mr. VANDENBERG. So, Mr. President, we have this situation, speaking finally, we have in this bill the latitude which permits Congress to decide for itself, if it wishes so to decide in the future, what method for handling remainders it shall embrace. We have a bill which accommodates itself to those serial decisions of Congress when, if, and as made.

If, perchance, Congress continues to refuse to pass independent apportionment in 1930–31 and the method heretofore obtaining shall be perpetuated, namely, the method of major fractions, we will have perpetuated the method under which the present Congress sits, we will have perpetuated the method which the last House of Representatives voted was its own answer to its own problem, and we will have identified the method which undertakes to place every citizen upon a plane of absolute equality, so far as his representative content is concerned, regardless of the size of the State in which he lives. I submit that the amendment should be defeated.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. VANDENBERG. Certainly.

Mr. HARRISON. Congress passed an apportionment bill in 1921, I think, but it did not become a law. I think it was in 1921. Is that right?

Mr. VANDENBERG. I think so; yes.

Mr. HARRISON. What method did that bill provide for?

Mr. VANDENBERG. I am unable to answer the Senator's question.

Mr. HARRISON. The Senator does not know that it did not include the major-fractions method?

Mr. VANDENBERG. The Senator does not know it.

Mr. HARRISON. Well, it did not.

Mr. KING. Mr. President, some of the arguments made by the Senators from Alabama [Mr. BLACK] and Michigan [Mr. VANDENBERG] remind me of the definition of an expert. An expert is one who knows more and more about less and less.

I know less and less about major fractions and equal proportions after listening to these able Senators than I did before. Of course, the fault is with myself. It could not possibly be with the learned expositions of these Senators.

Mr. McKELLAR. Mr. President, will not the Senator tell us in plain English what major fractions and equal proportions are?

Mr. KING. No; I shall not essay to enter the field of expert testimony, Mr. President.

I rose merely to express my regret that I am not able, from the arguments which have been made, to determine which is the proper method to adopt. I am not satisfied with the argument of my friend from Michigan, that because, by our grace, future Congresses will be permitted to determine for themselves whether they shall adopt one method or the other, we should therefore decline to incorporate in this bill a provision fixing this question upon just and rational grounds.

We can not justify this proposed legislation except we postulate the view that this bill is to continue on the statute books for an indefinite period. Indeed, it rests upon the assumption that future Congresses will, to use the language of the Senator, commit a trespass against the Constitution of the United States and be guilty of a grievous default.

I have been desirous of having a reapportionment bill enacted. I followed in the last session of Congress the leadership of the Senator from Michigan and his associates in urging the passage of a measure providing for apportionment; and I have joined with them this session in demanding that a suitable and just bill be passed.

I am not satisfied, however, with this bill. I am not satisfied with the provisions which commit so much power to the President of the United States. I am not satisfied with the contention that we must insert in this bill a provision that the method of major fractions shall be the basis of apportionment. It may be the best method. That view, however, is challenged by the Senator from Alabama, and he invites our attention to what he denominates the unanimity of opinion of the experts, Mr. Hill and others, who claim that the major-fractions plan is unfair to the smaller States. The Senator from Michigan contends that one of the experts who signed the report has receded from his former position, and regrets that he signed the report.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BLACK. That is one out of the total advisory committee, and he does not deny that the American Academy of Political Science, to which this matter was referred, has unanimously reported against major fractions, and for equal proportions.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. VANDENBERG. And equally unanimously reported in favor of the language that is in this bill.

Mr. BLACK. The American Academy of Political Science?

Mr. VANDENBERG. All the official experts related to the Government in connection with the Census Bureau.

Mr. KING. Mr. President, I am interested only in one thing, and that is to do what is right and to secure an apportionment bill that will be just. I would not vote for any measure that would deprive the State of Michigan of a single Representative to which it was justly entitled, if I knew that would be the result, though it might augment representation of some State in which I was interested, my own State, for instance, or some State in which my party was dominant.

The question is, What is right? We should leave to the coming Congresses the determination of this question, which is now before us. If this legislation were to be confined merely to one apportionment, there would be less objection urged to this course; but, as stated, this bill contemplates that it is to remain upon the statute books for an indefinite period. Of course, it assumes that Congress will have the power to legislate, but it also assumes that Congress will not legislate, and the justification for putting into the bill provisions to project themselves into the future rests upon the assumption that there will be a default upon the part of Congress to discharge its duty.

So the question comes down to this, What is right? Is the method of major fractions just, or is the method of equal proportions the just and right system? That is what I want to know, and I can then determine very readily how to vote upon this amendment. Neither of these Senators, with all their eloquence and their appeal to expert testimony, has told us just how it would result and what the difference is, stripped of the terminology which has been employed. I would like to know, by some concrete example, just how the equal proportions system would work, and just how the other system would work, what the results would be.

Mr. BLACK. Mr. President——

Mr. KING. Let me conclude the thought. I would like to know how if either system would augment the number unjustly of the larger States and reduce the number in the smaller States.

Mr. BLACK. Mr. President, if the Senator will yield, I can show no better than by reading a statement of Doctor Hill.

Mr. KING. I yield for that purpose.

Mr. BLACK. He testified before the House committee, and this is what he said:

> The method of equal proportions is more favorable to the large States than the method of minimum range and less favorable than the method of major fractions.

Mr. KING. I know that is stated, and the Senator read it; but it does not reveal how that is accomplished, and the statement made by the Senator from Michigan is equally unsatisfactory.

Mr. HARRISON. Mr. President, will the Senator yield? I will cite him to an illustration.

Mr. KING. I first yield to the Senator from Alabama. As soon as he shall have concluded I will be glad to yield to the Senator from Mississippi.

Mr. BLACK. If the Senator would like to have me do so, I can read to him the two methods of determination, by major fractions and equal proportions.

Mr. KING. If what the Senator is about to read is as involved as the two definitions suggested by the Senator from Michigan, I am afraid he will not illuminate my mind.

Mr. BLACK. I will state to the Senator that that is the reason why I gave only the mathematical results, because the average layman who is not familiar with higher mathematics can not understand either method, and therefore the thing we are interested in is this, What effect does it have on the question of the representation?

Mr. KING. Some of us have studied a little algebra and geometry, and higher mathematics, and yet, with the limited information which some of us possess, the definitions thus far given fail to throw any light upon the question before us.

Mr. BLACK. I admit that, and I challenged the Senator the other day to give a definition which you could understand.

Mr. KING. I am in a receptive attitude, but I want light.

Mr. HARRISON. Mr. President, will the Senator yield while I give him the information he desires?

Mr. KING. I yield to the Senator from Mississippi.

Mr. HARRISON. This illustration was put in the hearing by Doctor Willcox, one of the great authorities on this subject:

> In all apportionments heretofore the claim of a State to representation has been arrived at by dividing the total of its population by an assumed or computed ratio of population per Representative. Let us suppose that a Representative is to be assigned to each 250,000 population and that one State with a population of 370,000 would have one Representative and a remainder of 120,000—a little less than half of 250,000—and another State has a population of 4,122,000, giving it 16 Representatives and a remainder of 122,000.

The Senator will understand that in one State that has one Representative there were 120,000 people left over in that State of 370,000 population. In the other State of 4,122,000, which would give that State 16 Representatives, there were 122,000 people left over.

Mr. KING. Neither one of them having one-half of the total number allocated for a Representative?

Mr. HARRISON. Yes. If one and only one of those States is to receive another Representative, should it be the smaller State with a remainder of 120,000 or the larger State with a remainder of 122,000? That is the question.

> The method of equal proportions rests on the assumption that the important thing about any remainder is not its amount but its ratio to the population of the State in which it occurs. And as in this case the fraction $^{120}/_{370}$ is larger than the fraction $^{122}/_{4,122}$, therefore the small State is entitled to the additional Representative. The method of major fractions, on the contrary, would claim that a remainder of 122,000 in a larger State carries more weight than a remainder of 120,000 in a smaller State.

That is an illustration offered by Doctor Willcox in the hearings before the House committee.

Mr. KING. That makes it a little clearer, but I am not yet satisfied.

Mr. SWANSON. Mr. President, will the Senator let me try my hand at clearing it up for him?

Mr. KING. I am not sure that the conclusion is justified that the larger States might have 122,000 majority after the proper distribution and division and that there will be greater reason to believe that it would have the larger proportion rather than the smaller States. I can see that the smaller State with a population of 500,000 or 700,000 or 1,000,000 might have the 122,000 majority rather than the 120,000 and that the larger State might have the 120,000 rather than the 122,000, and therefore in that instance the smaller State would get the advantage rather than the larger State.

Mr. SWANSON. Mr. President, I will try my hand if the Senator will permit me.

The PRESIDING OFFICER (Mr. HOWELL in the chair). Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I will yield to the Senator if he wants to ask a question.

Mr. SWANSON. No; I want to illuminate the situation. I will wait until the Senator has concluded.

Mr. KING. I have said all I care to say on the matter. With my present views I shall vote for the amendment, not because I am entirely satisfied with it but because the majority of the expert opinion thus far offered seems to indicate that the advantage lies, if we adopt major fractions, with the large States rather than the small States. I prefer to vote for a measure where there will be no advantage given either to the large or the small States.

Mr. SWANSON. Mr. President, it seems to me if we will eliminate all the difficult mathematical niceties that are involved in this question we can state the doctrine of equal proportions in a way that the Senate ought to understand. I hope I can do so.

The Constitution provides that representation shall be divided among the States according to population. Those who favor equal proportions insist that as the Constitution divides representation among the States in proportion to population the division made under equal proportions will be made in a way that will have the proportion assigned to each Representative in each State nearer in proportion than under any other method.

For instance, if Vermont is given 1 Representative and New York 42, the State will be given the extra Representative which will have when given the extra one the nearest proportion of representation per Member that has been fixed as the divisor.

If we divide the population of 120,000,000 by 435, the proposed membership of the House, we obtain the divisor for each Representative. This will leave fractions over in each State and we will not have the full membership of 435 as provided in the bill. Heretofore the plan has usually been used that provides that any State that had any number left over in excess of the moiety thus fixed would have an additional Representative. That would mean more than 435 Representatives, but we fixed 435 in this bill as the maximum number. Dividing the total population by 435 might give 430 or 425 full Representatives and there would be 2 or 3 or 8 or 10 Representatives to be decided by fractions. The question arises, what State shall get the Representatives thus fixed by the fractions.

I will give now an illustration of what equal proportions does. Vermont is given 1 Representative and New York is given 42. There is an extra Representative, say, to be assigned to one or the other of these States. The fraction of Vermont unrepresented is less than the fraction of New York. New York has a major fraction. Equal proportions comes in and says that the Constitution provides that we shall divide the Representatives among the States according to population; which means what? If we take one Representative from Vermont and then divide its population by one, it might give more than 300,000 population to one Representative. That is excessive. If we give the extra one to New York and divide by 43, New York might then have one Representative, say, to each 245,000 of population. The idea is to give the nearest to 250,000, which is the divisor fixed.

As Vermont, with 1 Representative, would have more than 300,000 people for 1 Representative, and New York would have, say, 245,000 for 1 Representative, with 42, Vermont would get the extra Representative, as it produces between the two States a less disparity than to give Vermont 1 and New York 43.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. WALSH of Montana. I would like to see if I understand quite clearly about the cases to which the Senator has referred. Dividing the total population of the State of New York by the figure representing the basis assumed to be 250,000 it gives, we will say, New York 42 Representatives, leaving 249,000 population over. Dividing the total population of Vermont by 250,000 gives Vermont 1 Representative and 100,000 over. But the 249,000 being the numerator of the fraction and the total population of New York being the denominator of the fraction, we have a most insignificant fraction. Taking the 100,000 as the numerator of the fraction and the population of Vermont as the denominator of the fraction, we have a higher fraction for Vermont than we have for New York; consequently, Vermont gets an extra Representative.

Mr. SWANSON. To this extent: If we decide that Vermont shall have 1 or 2 and New York 42 or 43, then those who advocate equal proportions say the Constitution provides that Representatives shall be divided among the States according to population. We try to get the number of Representatives assigned that State nearest to the proportion of the divisor that we fix. Say that Vermont has 440,000 people and has two Representatives. That would be 220,000 people for each Representative in Vermont. If New York were to get 43 Representatives, that might bring out the result that she would have 245,000 people for each Representative. But if we take one Representative from Vermont and give it to New York, the Representative in Ver-

mont would represent 450,000 people, which it is claimed is contrary to the Constitution. A State that gets it by the population of the State divided by the delegates assigned is nearer to the proportion fixed.

As I understand equal proportions, it is the method that gives the extra Representative on account of the fraction to the State that will when thus given it nearest approach the proportion fixed as the basis of representation, whether it is 250,000 or 260,000 or 280,000. This method works out to the best justice of the large States and the small States alike.

Mr. WALSH of Montana. Mr. President, I wish to inquire of the Senator in charge of the bill, or the Senator from Michigan, who has apparently given considerable thought to this subject, whether the expression "major fractions" found in this bill is so well defined, so thoroughly understood, that it does not become necessary to have any further provision in the bill?

Mr. VANDENBERG. Mr. President, the Senator will find that precise question addressed to Doctor Hill, of the Census Bureau, in the hearings, and he will find that Doctor Hill's answer is that both equal proportions and major fractions are to-day such standardized, fixed, accepted, understood, and identified formulæ and methods that no other description is necessary.

Mr. WALSH of Montana. But understood how? I dare say there is not a Member of this body, certainly not more than half a dozen, who before this matter was discussed here, and even after all that has been said about it, understands exactly what the process is. I believe I know what the process of major fractions is, but I am not altogether certain about it. My understanding is that in the allotment of the additional representation depending upon fractions the State which has the largest fractional remainder is first allotted a Representative; the State which has the next highest fraction is next allotted a Representative, and so on. That is my idea about it; but I am not sure.

Mr. VANDENBERG. Provided, if the Senator will permit me, that such a divisor it produced through the method that every major fraction gets a Representative.

Mr. WALSH of Montana. I do not understand that at all.

Mr. VANDENBERG. That is correct. Every major fraction gets a Representative under the system of major fractions, and the formula consists in finding a divisor which will produce that precise result.

Mr. WALSH of Montana. Then I am all at sea about it; I do not understand it at all——

Mr. VANDENBERG. There is no argument about that, if the Senator will permit me.

Mr. WALSH of Montana. Because up to the present time I have always thought that the divisor is obtained by dividing the entire population of the country by 435; that the resulting figure becomes the divisor, which is divided into the population of each State, producing a quotient, a complete number, with a fraction left over; and that State which has the highest remainder of 250,000, if that is the divisor, gets the first choice of a Representative. It is accorded a Representative, and the State which has the next highest gets the next Representative. If that is not the major-fractions operation, I do not understand it at all.

Mr. VANDENBERG. That is correct, except that under that method the Senator will realize that a definite-sized House can not be determined in advance——

Mr. WALSH of Montana. Certainly, it could.

Mr. VANDENBERG. Wait a moment—can not be determined in advance with assurance that every major fraction shall be represented.

Mr. WALSH of Montana. I do not understand what the Senator means when he says "every major fraction shall be represented." The presumption is that there will be a fraction in the case of every State.

Mr. VANDENBERG. That is correct.

Mr. WALSH of Montana. And there will be all grades of fractions.

Mr. VANDENBERG. That is correct.

Mr. WALSH of Montana. My understanding is that the major fraction is the highest fraction, and the highest fraction gets one Representative, and if there are 9 over, we will say, or 8 or 10, as the case may be, of the 10 highest standing on the list each gets a Representative, and the other 38 having fractions do not. If that is not the major-fraction system, I do not know what the major-fraction system is; and that is why I addressed the question to the Senator. When the President of the United States comes to make the allotment, just exactly what system is he going to adopt?

Mr. VANDENBERG. I will say to the Senator—and I think the Senator from Alabama [Mr. BLACK] will quite agree with me in it—that if he were to ask the Director of the Census or his assistant or any member of the advisory committee on the census to apply the system either of major fractions or equal proportions to the 1930 census all of them would get precisely the same result.

Mr. WALSH of Montana. That may be, but unfortunately we can not expect and we can not repose power in a man to apply the system that he thinks is the major-fraction system.

Mr. VANDENBERG. The Senator will find the system particularly described, if that is what he refers to, in——

Mr. WALSH of Montana. That is what I am inquiring about——

Mr. VANDENBERG. In Senate document, Calendar No. 1474 of the last session. He will find it there in black and white.

Mr. WALSH of Montana. Is the system of major fractions so thoroughly established in the opinion of experts and scientists who have given thought to the subject and who have written about it that they can really say that this is the way the result is to be arrived at?

Mr. VANDENBERG. I think there is no doubt whatever but that the answer to that question is "yes."

Mr. WALSH of Montana. Who was it who undertook to establish that term as signifying something or anything?

Mr. VANDENBERG. It was established by the action of Congress in accepting the mathematics developed through a Census Committee of the House in 1910 under the advice of the Census Bureau and the advisory census committee.

Mr. WALSH of Montana. I am merely endeavoring to satisfy myself as to whether this is what might be called a technical term. If it were a line of business or of industry of any kind, we would go to that business or that industry to find out what that particular expression means in the particular line of business, but I do not know to what line of business I should go to find out what is meant by this particular term.

Mr. VANDENBERG. If the Senator should go to the advisory committee on census or to the National Academy of Sciences or to the scientific assistant to the Director of the Census and ask him to apply major fractions or equal proportions to a given problem, each one would know precisely what he was talking about and would get precisely the same answer.

Mr. BLACK. Mr. President, before the Senator from Montana sits down, will he yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH of Montana. Yes.

Mr. BLACK. The Senator from Montana asked me a few days ago about the question. I read to him then something in explanation, but the statement of the Senator now shows that I did not make myself absolutely clear. I desire to read again to the Senator this statement:

> Major-fractions method is supposed to apply the principle of counting the remainder when it is more than one-half of the unit or basis of representation, but in its practical application it is not necessarily done, and, for illustration, in apportioning representation in the 1910 census, major fractions were disregarded in apportioning Representatives to Mississippi, New Mexico, Ohio, and Texas, the exact quotas of these four States being "scaled down" by mathematical processes and States with smaller major fractions given extra representation.

Mr. WALSH of Montana. That simply means that the House, in making the apportionment, did not follow scrupulously the major-fractions rule. That would rather indicate, it seems to me, that the House at that time understood perfectly well——

Mr. BLACK. It does not mean that at all. The Senator from Michigan attempted to explain to the Senator from Montana that the major-fractions method does not necessarily result in allotting a Representative. There is no doubt, not even a shadow of a doubt, about that proposition. The mere fact that one State has a larger fraction than another under this system does not mean that that State will be given an additional Representative.

Mr. WALSH of Montana. Let me inquire of the Senator why will not the State which has a major fraction—that is to say, the larger major fraction—get a Representative rather than the State that has the smaller fraction?

Mr. BLACK. Because that is not the system of major fractions as it works out.

Mr. WALSH of Montana. That is what I want to know. Then what is the system, as the Senator understands it?

Mr. BLACK. I understand it to be such that manipulation can occur and that it is not exact.

Mr. WALSH of Montana. Manipulation can occur; but how can manipulation occur?

Mr. BLACK. It can occur exactly as it occurred when Representatives were taken away from four States.

Mr. WALSH of Montana. But then, obviously, according to the statement of the Senator, the House disregarded the rule of major fractions and with respect to certain States did not give them the representation to which they were entitled by the application of the principle of major fractions.

Mr. BLACK. That is the Senator's interpretation, but the Senator does not understand major fractions, because the Senator has the idea that the constituency which has the largest major fraction gets a Representative as a matter of right.

Mr. WALSH of Montana. Yes.

Mr. BLACK. But the Senator from Michigan, who says he understands it thoroughly, has just told the Senator that that is not the case.

Mr. WALSH of Montana. He has indicated that under certain circumstances that is not the case, but I have not been able to understand what those circumstances are.

Mr. BLACK. Neither do I; neither does anybody else, and that is what I am complaining about when the power is given to the President.

Mr. GEORGE. Mr. President, may I ask the Senator from Michigan a question?

Mr. VANDENBERG. I have not the floor.

Mr. GEORGE. Then I will take the floor, if I may be recognized, and will ask the Senator is not the major-fractions rule when the number of Representatives in the House has been fixed and the population has been ascertained, then it is necessary to find a divisor that will make it possible to give to all the States that have major fractions, that is, the greater part of the unit of the divisor, each a Representative in the House?

Mr. VANDENBERG. That is correct.

Mr. GEORGE. In that way it is necessary to keep searching, I should say, until a divisor is obtained which will result in bringing the total number of Representatives down to the number which has been fixed and predetermined.

Mr. VANDENBERG. The searching is done by mathematical calculation which is perfectly understood.

Mr. GEORGE. But if merely a fixed number were taken and divided into the population, there might be sufficient States with major fractions left over to give a larger number of Representatives in the House than the number fixed.

Mr. VANDENBERG. That is correct.

Mr. GEORGE. So it is necessary by a mathematical process to find a divisor that will leave exactly the proper number of major fractions.

Mr. VANDENBERG. That is correct. May I say to the Senator that under the system of major fractions as known in Daniel Webster's day there might be more major fractions than the size of the House justified. Then we reached the point where it was not satisfactory not to have a fixed objective in the size of the House; and that is the system of major fractions employed to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

Mr. BLACK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce that on this question the senior Senator from Massachusetts [Mr. GILLETT] is paired with the junior Senator from Arkansas [Mr. CARAWAY].

Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business.

The result was announced—yeas 36, nays 52, as follows:

YEAS—36

Barkley	Dale	Heflin	Sackett
Black	Frazier	Howell	Sheppard
Blaine	George	King	Smith
Blease	Glass	McKellar	Steck
Bratton	Greene	McMaster	Stephens
Brookhart	Harris	Norbeck	Swanson
Broussard	Harrison	Norris	Trammell
Connally	Hawes	Nye	Tyson
Cutting	Hayden	Pittman	Wheeler

NAYS—52

Allen	Capper	Edge	Goldsborough
Ashurst	Copeland	Fess	Gould
Bingham	Couzens	Fletcher	Hale
Borah	Deneen	Glenn	Hastings
Burton	Dill	Goff	Hatfield
Hebert	Moses	Schall	Vandenberg
Johnson	Oddie	Shortridge	Wagner
Jones	Overman	Simmons	Walcott
Kean	Patterson	Smoot	Walsh, Mass.
Kendrick	Phipps	Steiwer	Walsh, Mont.
Keyes	Pine	Thomas, Idaho	Warren
La Follette	Ransdell	Townsend	Waterman
McNary	Reed	Tydings	Watson

NOT VOTING—7

Caraway	Metcalf	Robinson, Ind.	Thomas, Okla.
Gillett	Robinson, Ark.	Shipstead	

So Mr. BLACK's amendment was rejected.

Mr. BLACK. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, after the period in line 13, it is proposed to insert the following new section:

Such censuses shall also include an enumeration of aliens lawfully in the United States and of aliens unlawfully in the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

Mr. BLACK. I thought perhaps the committee might accept that amendment.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. I yield.

Mr. JOHNSON. It would be an utter impossibility to undertake that enumeration in the census, so I am advised. It would simply add to the cost, and would accomplish no purpose, so far as that is concerned, because the particular matter is under the Labor Department at the present time in regard to the aliens lawfully and unlawfully in the United States; and it is obvious that if we gave to enumerators the right to determine, as I understand the amendment—I heard it read only for the first time—whether one were here lawfully or unlawfully, we would give them a task that is impossible of performance in the very brief period that is accorded.

May I inquire of the Senator if I am accurate in saying that the amendment provides for ascertaining the aliens lawfully and those unlawfully in the country?

Mr. BLACK. That is correct.

Mr. JOHNSON. That is what the amendment provides?

Mr. BLACK. That is correct.

Mr. JOHNSON. Of course, that can not be done in an enumeration of the sort that is indicated.

Mr. BLACK. Mr. President, the Senator stated, as I understood him, that he had been informed that it was impracticable to do that. May I ask the Senator——

Mr. JOHNSON. No; that was not in relation to the particular matter of the lawfulness or the unlawfulness. It had naught to do with this amendment. At first I did not quite comprehend, having heard the amendment for the first time, what its proposal was; but a proposal to put in the hands of an enumerating officer the determination of whether an alien is here lawfully or unlawfully I leave to the Senate to decide.

Mr. BLACK. Mr. President——

SEVERAL SENATORS. Vote!

Mr. BLACK. We are not going to vote right this minute. I think probably we will not speed up any by making an effort to vote hurriedly.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. BLACK. Mr. President, this is an important amendment. I understand that perhaps no amendments to the bill are considered of any importance; but this is one upon which it might be wise to have a vote by the full Senate. It certainly can not be said that the United States should not know how many aliens are unlawfully in this country.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. In the course of the Senator's explanation of his amendment I hope he will point out how a census would be taken of the aliens unlawfully in this country—how they could be tracked down and enumerated.

Mr. BLACK. I shall be glad to do that. One of the ways to find out whether or not a man is unlawfully in the country is to ask him when he came, how he came, and where he came from. Another way is to find out whether or not he was born in this country.

I understand, Mr. President, that the very moment any question is raised with reference to aliens there are some who take the viewpoint that it is an attempt to injure America. Why, the statement was even made on the floor of the Senate yesterday afternoon that the percentage of native-born Americans who came to the colors to defend this country during the World

War was a smaller percentage than that of the foreign born who flew to the flag.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield to the Senator.

Mr. TYDINGS. The Senator may have planned to have a census taken of aliens unlawfully in the United States; but it seems to me that if a census enumerator were going about, and came to a house where he met a man who was a Hungarian, say, and could not speak English, and the enumerator asked how long the man had been in the country and how he came to get into the country, all he would really have from the man would be his own statement. How could he check up whether the man was telling the truth or making a false statement? How would he ascertain that the man had come into the country unlawfully? He would have only the individual's word for it; would he not? The individual might be in Jackson, Miss., but he might have come unlawfully into the country in Michigan six months before; and how would the man's history be traced so that it would be known whether he came in lawfully or unlawfully in a case of that kind?

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I do.

Mr. GEORGE. May I suggest to the Senator from Alabama that the legality of entry would necessarily raise a judicial question upon which rights would, of course, depend; and it does not seem to me that the census enumerators could settle in any satisfactory way that important question.

Mr. BLACK. Mr. President, I realize that the census enumerators could not settle the question. I realize, further, that the statement made by the Senator from Maryland that the enumerator would only have the man's statement in the census report is true; but that would be more than we have to-day.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. When I have finished replying to the Senator from Georgia.

I was led to offer this amendment by reason of the fact that a few days ago I took up with the Secretary of Labor a question as to the number of aliens in this country who had entered illegally. He stated to me that it was absolutely impossible for him even to approximate, or to hazard a guess. The statement was further made that the only thing to do would be to make an attempt, by an appropriation by Congress, to have an investigation made in order to determine that fact.

All facts can not be obtained at once, but certainly we would be further along than we are to-day if we attempted, through the census enumerators, to ascertain whether or not a man had been born in this country and how he had come into the country.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. The Senator has just stated that we would have to rely upon the individual himself as to whether or not he came into the country legally or illegally. Anyone coming into the country illegally would have to lie or sneak in, and if he lied his way in, does the Senator think the answers we would get in these statistics would justify the expense and trouble that would have to be entailed to obtain the information? If a man is going to steal his way into the country, or is going to lie his way into the country, if he gets here illegally, certainly anything that comes from him should be taken with a grain of salt, and the information so obtained would be worthless. It would not be worth the effort necessary to obtain it.

Mr. BLACK. I can see no reason why there should be any great anxiety as to the whether the gentleman was going to tell the truth or tell something which was not true.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BLACK. I will yield when I have replied to the question of the Senator from Maryland.

The Senator from Maryland takes the position that because a man might state something that was untrue, he should not be interrogated. If that is correct, the enumerators should not ask questions of any kind, because the answers might not be true.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BLACK. After I have yielded to the Senator from New Mexico. I yield now to the Senator from New Mexico.

Mr. BRATTON. I ask a question purely for information. In the absence of the adoption of the pending amendment, what is the duty of a census enumerator in ascertaining the place of birth of a given individual, and if it develops to be in a foreign country, the time of his entry into this country? Is he or not required to gather all the facts from which a judicial tribunal could determine whether such foreigner is here lawfully or otherwise?

Mr. BLACK. The Senator from Michigan could answer that perhaps better than I can. As I understand it, the pending bill does not require the enumerators to obtain information as to the place of birth or the ancestry of the individual.

Mr. VANDENBERG. I am unable to answer the question of the Senator.

Mr. JONES. Mr. President, I might suggest to the Senator that the Director of the Census has made up a schedule of questions to be asked, based largely on the questions which have been asked heretofore, and it was not deemed necessary to specify the different questions in the bill. I want to say to the Senator that the nativity of the different persons is one of the items that is brought out.

Mr. BRATTON. Mr. President, will the Senator yield to me further in order that I may seek additional information from the Senator from Washington?

Mr. BLACK. I yield.

Mr. BRATTON. If in the course of interrogation a given individual it develops that he is born in some foreign country, has it been the practice heretofore to develop the facts with reference to the time of entry into this country?

Mr. JONES. I doubt that, although I have not exact information as to that. There is a long list of questions that are to be asked by the enumerator, but just how far they go I am not prepared to say. Whether the questions cover exactly the point the Senator has mentioned I can not say, but the enumerator does inquire, of course, to determine whether a man is an alien, or whether he is a native-born citizen.

Mr. BRATTON. If the Senator from Alabama will allow me to pursue that matter a little further——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from New Mexico?

Mr. BLACK. I yield.

Mr. BRATTON. The point I have in mind is whether or not, in the administration of laws under which previous censuses have been taken, the facts have been gained from which a court or other tribunal could ascertain whether a foreigner entered this country legally or otherwise.

Mr. JONES. Mr. President, I do not think the census enumerators go into that phase of the question. They could not pass on that.

Mr. BRATTON. The Senator misapprehends what I have in mind. In taking a previous census, when an individual announced that he was born in a foreign country, has the enumerator pursued the subject to the extent of ascertaining when he came into this country, and gathered such other facts from which it could determine whether the foreigner was here illegally?

Mr. JONES. I am inclined to think that they find out when he came into the country, but just how far they go in that particular I can not tell the Senator.

Mr. HEFLIN. Mr. President, why could not the census enumerator ask these men at what port of entry they came in, and then we could communicate with the port and see if their names were on the record; and if they had told a falsehood about it, and it was shown that they had been smuggled into the country, we could get them out of the United States.

Mr. BRATTON. That is the point upon which I have been trying to get information, namely, as to whether in taking any previous census those questions or similar questions have been asked the foreigner from which a department or court could arrive at a conclusion as to whether the alien was here with legal sanction, or otherwise.

Mr. HAWES. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. BLACK. I yield.

Mr. HAWES. In all seriousness, I would like to suggest to the Senator that if an alien is here unlawfully, what we really want is not an enumerator but a policeman to arrest him.

Mr. BLACK. If we find out where he is, and whether he is unlawfully here.

Mr. HAWES. It is not the business of an enumerator to look after violators of the law. So it seems to me that that provision, if it remains in, would mean an enumeration of men who were violating the law, and that is a question for the Department of Justice and not one for the census enumerators.

Mr. BLACK. Mr. President, I desire to get through as quickly as I can. I will state first, with reference to the question now raised, that it is my desire to have the information secured, as far as it can be obtained, in order that the Depart-

ment of Justice and the policeman whom the Senator from Missouri has mentioned may later do their duty.

There is at present no method whatever provided by this great country, so far as I am aware, which affords us any information as to the number of aliens who are illegally in America. It may be that there are some who think that we should not get that information; I do not know. Personally, I take the position that when an alien is illegally here, here in violation of the plain laws of this country, we ought to utilize every power at our command, whether it be by enumerators or otherwise, to ascertain the identity of those aliens who are illegally in our midst, in order that we may sooner or later deport them back to the countries from which they came.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. I yield.

Mr. WALSH of Montana. I am very sure that everybody would assent to the proposition that it would be exceedingly advantageous to know about how many people there are in this country who are illegally here; but how could a census of them be taken by anyone? If the department knows about people who are here illegally, of course, the department immediately causes their arrest for the purpose of deportation. The only way by which we could ascertain whether they were here legally or not would be to consult the department. It seems to me the difficulty is not alone that the enumerators can not get the information, but that it would be next to impossible for anybody to get the information. Of course, in every case where the attempt to get the information was resisted an inquiry would be necessitated.

Mr. BLACK. I take the position that if the enumerators could find 5,000 aliens illegally in our midst the money expended in getting the information and sending them from this country would be money well spent.

Mr. WALSH of Montana. I fully agree with that, but let me ask the Senator, How will the enumerators determine that question?

Mr. BLACK. I have no sort of doubt but that the information can be obtained—not a particle of doubt.

Mr. WALSH of Montana. Mr. President, will the Senator yield again?

Mr. BLACK. I yield.

Mr. WALSH of Montana. Let me ask, then, if that would not be an impeachment of the officers of the Department of Labor, whose duty it is immediately to arrest those who are here illegally and deport them?

Mr. BLACK. If the enactment of a law to find out the number of aliens who are in our midst, when we all know they are here, can be construed as an impeachment of any department, then I am ready to impeach them. The Labor Department is not finding out those who are here. If the Senator should call them up, they would not even hazard a guess as to the number of aliens who are in our country illegally. At the same time, the aliens are here illegally, taking the jobs of American citizens, getting the money that would otherwise be earned by American citizens living under American standards, and whenever an effort is made to pass legislation for the purpose of getting information on this subject, some argument is advanced about the impossibility or the unconstitutionality of any effort to protect the present American citizenship from a surplus of foreigners.

Mr. WALSH of Montana. If the Senator will pardon me further——

Mr. BLACK. I yield to the Senator.

Mr. WALSH of Montana. Let me ask the Senator this: Are we to understand that his accusation now is that the Department of Labor is not performing its duty, is neglecting to ascertain who are illegally in this country and to cause them to be deported?

Mr. BLACK. I shall be glad to answer the Senator's question, but I shall not be diverted from the issue which is before us, and which is, "Are we willing to vote for a measure which will tend to some extent to inform the country how many aliens are illegally in America?" I make no indictment of the Department of Labor.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I shall yield again just for a question. I am under a 30-minute limitation.

Mr. GEORGE. I appreciate that fact. I want to say this: I think it is not exactly fair to the Department of Labor to criticize them about this matter.

Mr. BLACK. I was just about to say that.

Mr. GEORGE. Because under a proper registration of aliens, and in no other way, could we properly get the information which the Senator wishes to secure by the enumeration, because it is a judicial process, and it would be very unwise, it seems to me, to inject into the enumeration of the population machinery that ought to be kept within the other field.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. Mr. President, due to the fact that my time is about exhausted——

Mr. WHEELER. I was merely going to suggest this to the Senator, that I can not see how it is possible to get the information which he suggests in his amendment; but there is one thing that could be done without a question of doubt. Every alien who comes into the United States is supposed to come in through a port of entry. Every alien could be asked through what port of entry he came into the United States, and we could then have the Department of Labor check up all the aliens in the United States and ascertain whether or not they had given the correct information if we wanted to go to that extent.

Mr. BLACK. That is exactly correct.

Now, lest there be a misunderstanding, I have not sought to indict the Department of Labor, and I do not. I have not done it directly or indirectly, by inference, remotely, or in any other way. The Department of Labor, in my judgment, is doing its best with the funds on hand, and if I am not mistaken—and I am not sure about this—that department has sought appropriations in order that it might get this very information with reference to aliens. Why the bills making the necessary appropriations have not been enacted I do not know, but I do know that there is a decided minority sentiment in this country opposed to any measure that will curtail immigration to the slightest extent.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. BLACK. Certainly.

Mr. BRATTON. The objection has been raised against the Senator's amendment that it attempts to vest in the census enumerators the power to pass upon judicial questions. I doubt the wisdom of that, but I am in full sympathy with the proposal to gather data for proper use by the Department of Justice or otherwise in determining whether aliens are in the country legally or otherwise. I suggest to the Senator that language substantially reading as follows might be substituted which would eliminate the objection entertained by some Senators to the pending amendment. This is the language I suggest to the Senator:

> That such census shall also include an enumeration containing full information respecting all aliens in the United States, including therein the facts and circumstances under which each entered the United States.

Under that provision an enumerator could interrogate an alien and gather from him the facts which might be used by the Department of Justice or the Department of Labor or otherwise, by which a competent tribunal in exercising its jurisdiction could determine whether or not the alien is here lawfully, and if not to deport him or take proper action.

Mr. BLACK. I think the Senator's suggestion is a good one, and I would be glad to have him offer that as a substitute.

Mr. BRATTON. I shall do so.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield.

Mr. TYDINGS. I would like to ask the Senator from New Mexico a question. As I understand the Senator, the census will be taken of all persons, citizens and aliens, and I assume the questionnaire which is to be circulated in each case would have the effect of producing the information mentioned in the Senator's amendment and that the Department of Labor or the Department of Justice, having certain investigators or enumerators, would get the information without the amendment being incorporated in the bill at all.

The VICE PRESIDENT. Does the Senator from Alabama modify his amendment, as proposed, by the Senator from New Mexico?

Mr. BLACK. I will modify it in line with the suggestion of the Senator from New Mexico, and now I would prefer to proceed with my remarks without being called upon to answer any further questions so that I may conclude what I have to say.

I want to call attention to the fact that the Department of Labor has invited our attention to the number of immigrants who illegally entered our borders last year and they have asked for aid and assistance to prevent illegal entry in the future. The Secretary of Labor whom, instead of criticizing, I desire

to commend for his work in the position which he holds, has expressed himself all over this land as favoring methods which will permit the Nation to determine whether a man who has come to America from a foreign land has entered our country legally or illegally. There is nothing strange about the amendment and nothing revolutionary. It is merely a proposition suggesting that we utilize the machinery which is at hand to get as much information as we can to determine the facts with reference to the entrance of immigrants into the country.

Statistics show there are 14,500,000 aliens in our land to-day. Many of them can not speak the English language. They come from countries with various kinds of governments. It is my judgment, and I have offered a bill for the purpose, that if the Congress would do its duty it would absolutely prohibit the entrance of a single immigrant into this land for the next five years while we take stock of our present citizenship, with the view of educating the foreign born for their own good and for the welfare of our country.

I do not wish to be understood as criticizing the statement made by the Senator from Massachusetts [Mr. WALSH] on yesterday. I said in the beginning that I did not intend to do that. I desire, however, to quote from statistics with reference to services rendered by native-born Americans and those who were foreign born. After the statement made yesterday on this subject, I sent for the report of the provost marshal general in order that I might find for myself whether the native-born citizens of this land of ours were shown to be recreant to their duty when the call of war sounded in the land. I find these facts, which I shall now read, on page 90 of the report of the provost marshal general, made in 1919.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. I understand that during my absence from the Chamber the Senator made some reference to something I said yesterday.

Mr. BLACK. That is correct.

Mr. WALSH of Massachusetts. Will the Senator kindly repeat it?

Mr. BLACK. I am just beginning now to discuss it. It would be impossible to repeat the exact language, because my statement was not written. I was commenting upon the Senator's statement with reference to native born and foreign born in the World War.

Mr. WALSH of Massachusetts. I had understood that the Senator attributed to me the use of the word "slackers" in referring to those whom the Army rolls showed to be on the deferred and exempted classes of aliens and Americans registered.

Mr. BLACK. I stated in response to a statement of the Senator from Utah [Mr. KING] that the Senator from Massachusetts quoted or stated that he was using the language of somebody else in calling them "slackers."

Mr. WALSH of Massachusetts. There was a hearing before the Immigration Committee some time ago and statistics were presented along the line that I presented and that the Senator is about to present, and in those hearings the term "slackers" was used. I used the expression yesterday with quotation marks, as I said at the time, and did not myself attribute to these classes of registrants the condition of being slackers.

Mr. BLACK. In Table 24 of the second report of the provost marshal general I find the following figures.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. BLACK. I have not spoken on the bill.

The VICE PRESIDENT. The Senator is entitled to 30 minutes on the bill.

Mr. BLACK. Those who were placed in class 1 were 24.33 per cent of aliens. Those placed in the deferred classes—those who gave excuses as to why they should not serve, those whom the Senator said someone had called "slackers," though personally I would not and I do not agree with that statement—were 75.67 per cent.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. TYDINGS. Is the Senator quoting from draft statistics or from the volunteers?

Mr. BLACK. I am quoting from the table of classification of aliens and citizens compared in the draft army.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. BLACK. I yield.

Mr. WHEELER. Of course, those figures would not be fair to the aliens because of the fact that a good many of them could not be taken into the Army, as I recall the law, because of the fact that they came from countries with which we were at war. That is my recollection.

Mr. BLACK. Those of native-born Americans who were placed in deferred classes were 63.33 per cent. I do not mean to infer that either the 63 per cent of native Americans or the 75 per cent of foreign born were slackers. In my judgment the fact that they were put in the deferred classes is no indication that they were slackers. Some of them may have been, but I am giving the statistics simply in order that the record may be clear as to what the provost marshal general's report showed in this controversial matter.

Mr. WALSH of Massachusetts. Of course, there was no dispute about the figures I gave yesterday. The figures I gave were correct, were they not?

Mr. BLACK. I did not have the opportunity, in the short time available to me, to get exactly what the 24 per cent meant which the Senator referred to, unless it was the 24.33 per cent of Americans placed in class 1.

Mr. WALSH of Massachusetts. The Senator will find on page 1980 of the RECORD the figures which were used in the colloquy that took place between himself and myself on yesterday. The number of aliens registered was 1,703,000; exempted as enemy aliens, 334,949; aliens exempted or received deferred classification, 580,003; per cent other than enemy aliens exempted or deferred, 33 per cent. Number of Americans registered, 8,976,808; Americans exempted or received deferred classification, 5,684,533; percentage of Americans exempted or deferred, 64 per cent. I was simply making a comparison between the percentage of Americans and the percentage of aliens who were not enemies that were placed in the exempted or deferred classes.

Mr. BLACK. The figures show that those placed in deferred classes among the aliens were 75.67 per cent, as against 63.33 per cent of native born. I have not been able to find in the report the distinction drawn by the Senator in his figures, but there can be no doubt that there were 75 per cent of the aliens who were put in deferred classes either because they belonged to enemy countries or because of requests for some other reason.

Mr. WALSH of Massachusetts. It is very easy to figure out the percentage. The enemy aliens exempted were 335,000 and other aliens 580,000, together they representing about 915,000. The total number of aliens registered was 1,703,000. The percentage of all aliens, including enemy aliens, who were placed in these classes was about 54 per cent. The total percentage of all Americans placed in deferred classes was about 64 per cent. If we deduct enemy aliens, who could not serve, the alien percentage is about 33 per cent.

Mr. BLACK. As I said, the total number of aliens placed in deferred classes was 75.67 per cent. I have the provost marshal general's report before me. There were placed in deferred classes 1,288,617 of aliens.

It will also be remembered that the percentage of married men, according to our census statistics, among native-born Americans is greater than the percentage of married men among the alien born. Of course, at that time that was properly a cause for deferred classification.

Going just a step farther and quoting from the same report, at page 462 we find that the report shows the number of desertions, by citizenship, from the American Army: Desertions of native-born Americans, 3.23 per cent; desertions of foreign-born, 10.87 per cent. That is, more than three times as many foreign born deserted from the American Army as did native-born Americans.

Going a step farther in the report of the provost marshal general, I find this statement:

> It is not too much to say that the spectacle of American boys, the finest in the community, going forth to fight for the liberty of the world, while sturdy aliens—many of them born in the very countries which have been invaded by the enemy—stay at home and make money has been the one notable cause of dissatisfaction with the scheme of military service embodied in the selective-service act.

So, Mr. President, while I admit without question there are now many good men who have come to this country from foreign lands, and there have been many immigrants in the past who have become good citizens, yet I take the position that to-day what this country needs is not more immigrants but a less concentration of the wealth which the Senator from Massachusetts [Mr. WALSH] mentioned on yesterday, and that can not be obtained unless there can be found paying employment for our citizens. With millions of our people out of work, what possible excuse can there be for failing to adopt every means at our hand to remove from our land the aliens who have unlawfully intruded themselves in our country? With cities advertising that there are inexhaustible supplies of un-

organizable Mexican labor in our country, what excuse can we offer for a failure to adopt every possible means to discover aliens illegally here, that we may later remove this unfair competition with American labor?

I acknowledge the statement of the Senator from Massachusetts that there are many aliens who have entered America who can and who have made real contributions to our citizenship, but it is my belief that what America needs to-day is not more immigrants but a fair opportunity for our present population. It needs positions for those who are now within our midst. We need to shut the door and close the gates against foreign immigration from any land until those here have absorbed our principles and become merged in the social, political, and economic life of the Nation.

There is nothing unfair about this for prospective immigrants and it is certainly just to our present citizenship. With fourteen and one-half million immigrants in our midst, why should we not spend a little money for the purpose of placing our hands on the aliens who have come here illegally? Why should we dispute as to whether the method is perfect and whether the results would be 100 per cent accurate? After all, Mr. President, the question comes down to this: Those who are in favor of restricted immigration are in favor of using all possible means to register the aliens and thereafter to deport those who are not lawfully here. Those who are opposed, and are honestly opposed, to the restriction of immigration, fight every means and every measure which has a tendency to further restrict immigration.

I submit that this amendment is fair and just to America. If Senators believe in a restriction of foreign immigration, if they believe in the principles of nationalism, which would make this a land of Americans; if they believe in keeping the country true to the old-fashioned principles and ideals of American liberty and democracy, then they do not want immigrants in this country who are here illegally. The amendment merely provides a method by which we may use the best means at our command to determine what immigrants are here legally and what immigrants are here illegally.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield for a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. The Senator from Alabama has properly called attention to, and during this whole debate repeated comment has been made about, the large number of persons who have entered this country illegally. Personally I think the figures have been exaggerated, though I think it is deplorable that there are so many immigrants smuggled into the country. I wish to inquire what steps have been taken by anyone in this body, in the other Chamber, or by the administration to increase the number of immigration inspectors or to secure additional appropriations so as to prevent the "bootlegging" of immigrants into this country? Why are not those who are urging more and more limitations upon the immigrant doing something effective to stop smuggling and bootlegging of foreigners who seek and enter the country illegally?

Mr. BLACK. I understand that there was an increased appropriation for that purpose made at the last session of Congress but that it was not sufficient.

Mr. WALSH of Massachusetts. I think we all can agree that no person ought to be allowed to enter this country illegally. There should be no official vigilance so sweeping as that of preventing this offense against national authority by nonresidents.

Mr. BLACK. That is absolutely true. I am heartily in favor of increasing the appropriations to prevent that.

Mr. TYDINGS. Mr. President, I offer a short amendment which I propose to add to the amendment of the Senator from Alabama [Mr. BLACK] as modified. I send the amendment to the amendment to the desk and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. At the proper place it is proposed to add the following:

Exclude from the count all persons who have violated the eighteenth amendment or the Volstead Act.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. COPELAND. Mr. President, I am unwilling to permit the discussion about aliens to end here. I have no disposition to continue the debate or to postpone the vote. But when I think about the thousands and tens of thousands and hundreds of thousands of persons in my home city who are of alien birth, who have distinguished themselves in every walk of life, in the professions and in trade, I can not let the moment pass without saying a word concerning them.

It is not fair—I say it in all kindness—to raise repeatedly in this body questions which bring heart burnings and unhappiness into thousands of American homes. When I think about the men and women who have come to America from foreign shores, who have succeeded here, who have contributed to everything making for the upbuilding of our country, I consider it unjust, if I may say so, to reflect upon the whole group because there happen to be those who have "bootlegged" their way into the country. In the last analysis, with the exception of the American Indian, all of us are aliens.

I went to the Russian border immediately after the World War. I visited Poland. I saw there a country which had been devastated by seven armies which crossed back and forth during the Great War, a country which had been further devastated by the war with the Russian Bolshevists. After that last war with Russia, when the Russians were finally driven out of Poland they took three and one-quarter million of the population; took away the flocks and herds and destroyed every building in eastern Poland. When under the treaty of Riga those people were permitted to came back to Poland they came to find their homes destroyed, their lands grown up with underbrush, no animals, no tools, no seed. I saw them living in covered-over portions of trenches and in the dugouts. I am not surprised if thousands of them found their way to this country of wealth and opportunity.

I have no question but there are hundreds of thousands of immigrants who are here illegally. But when we consider the conditions under which they were forced to live, and the pressure under which they lived, the destruction of their homes in the old country, I am not surprised that they came. And when I recall the aliens who, coming here years ago and acquiring wealth, have used their money for the benefit of humanity: when I think about a man like Nathan Straus, who came here an immigrant boy and has done more, in my opinion, for child life in America and the world than any other two men who ever lived; when I see a member of our own body who was born in a foreign country contributing $10,000,000 to the welfare of the children of America; when I remember that a citizen of my city, Mr. August Heckscher, another alien, has contributed $4,000,000 to the same purpose; when I think of what these and other aliens have done in contributing to the welfare of America, I am not willing, sir, to sit in my place and hear the whole group reflected upon, as apparently they will feel has been done, by many things which have been said here.

I have no desire to say more than this, except to add that there are aliens and aliens, and it is not fair thus, as I view it, to reflect upon the whole alien group because a limited number perhaps have not lived up to those standards which we believe to be right.

Mr. HEFLIN. Mr. President, nobody has intended to reflect upon the whole alien group. Of course, there are bound to be some honest aliens in the country; but no alien, no foreigner, who has been smuggled into the United States—it makes no difference how bright he is or how good he is—if he is not here properly, he has no business being here. Whenever one of them is smuggled in he has violated the immigration law, and he is not here properly and, I repeat, has no business being here. We are going to do something ultimately to solve this alien problem which the Senate refuses to solve now.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. TYDINGS] to the amendment of the Senator from Alabama [Mr. BLACK].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Alabama.

Mr. BLACK. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HEFLIN. Division, Mr. President.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Greene	Keyes
Ashurst	Cutting	Hale	King
Barkley	Dale	Harris	La Follette
Bingham	Deneen	Harrison	McKellar
Black	Dill	Hastings	McMaster
Blaine	Edge	Hatfield	McNary
Blease	Fess	Hawes	Metcalf
Borah	Fletcher	Hayden	Moses
Bratton	Frazier	Hebert	Norbeck
Brookhart	George	Heflin	Norris
Broussard	Glass	Howell	Nye
Burton	Glenn	Johnson	Oddie
Capper	Goff	Jones	Overman
Connally	Goldsborough	Kean	Patterson
Copeland	Gould	Kendrick	Phipps

Pine	Shortridge	Townsend	Walsh, Mont.
Pittman	Simmons	Trammell	Warren
Ransdell	Smith	Tydings	Waterman
Reed	Steck	Tyson	Watson
Robinson, Ind.	Stelwer	Vandenberg	Wheeler
Sackett	Stephens	Wagner	
Schall	Swanson	Walcott	
Sheppard	Thomas, Idaho	Walsh, Mass.	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

Mr. WATSON. Mr. President, I should like to ask the Senator from Michigan how many more amendments are pending, and about the length of time he thinks it will take to complete the bill?

Mr. VANDENBERG. I should be unable to answer the Senator. I think there are perhaps four or five amendments pending and there ought to be no lengthy debate upon them.

Mr. WATSON. I desire to ask the two Senators, then—they are here together now—whether or not they want the bill completed to-night?

Mr. JOHNSON. I should prefer it.

Mr. WATSON. Very well.

Mr. BLEASE. Mr. President, I have three amendments. I do not think all three of them will take over half an hour.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. The Senator from Indiana has the floor. Does the Senator yield?

Mr. WATSON. There is a vote pending, as I understand, and I shall not interfere with that.

Mr. KING. I merely wish to suggest to the Senator, if I may do so, that the so-called George amendment will be brought before the Senate, and that will lead to some debate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama [Mr. BLACK].

Mr. BLACK. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Missouri [Mr. PATTERSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Montana [Mr. WHEELER] and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent on official business.

The result was announced—yeas 24, nays 56, as follows:

YEAS—24

Barkley	Connally	Heflin	Sheppard
Black	Frazier	McKellar	Steck
Blease	George	McMaster	Stephens
Bratton	Glass	Pine	Swanson
Brookhart	Harris	Pittman	Trammell
Capper	Harrison	Robinson, Ind.	Tyson

NAYS—56

Allen	Fletcher	Kean	Shortridge
Ashurst	Glenn	Kendrick	Simmons
Bingham	Goff	Keyes	Stelwer
Blaine	Goldsborough	King	Thomas, Idaho
Borah	Gould	La Follette	Townsend
Broussard	Greene	McNary	Tydings
Burton	Hale	Moses	Vandenberg
Copeland	Hastings	Nye	Wagner
Couzens	Hatfield	Oddie	Walcott
Cutting	Hawes	Overman	Walsh, Mass.
Deneen	Hayden	Phipps	Walsh, Mont.
Dill	Hebert	Reed	Warren
Edge	Johnson	Sackett	Waterman
Fess	Jones	Schall	Watson

NOT VOTING—15

Caraway	Metcalf	Ransdell	Smoot
Dale	Norbeck	Robinson, Ark.	Thomas, Okla.
Gillett	Norris	Shipstead	Wheeler
Howell	Patterson	Smith	

So Mr. BLACK's amendment was rejected.

Mr. WATSON. Mr. President, I ask unanimous consent that after 2 o'clock to-morrow no further speeches shall be made on this bill and that all speeches on amendments shall be limited to five minutes.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, does the Senator mean on pending amendments?

Mr. WATSON. All pending amendments.

Mr. HARRISON. That would not preclude the Senator from South Carolina from offering his amendment.

Mr. BLEASE. I have here an amendment that I have had printed and laid on the desk. I do not think I will take over 10 minutes in discussing it. If it is on pending amendments, I will not consent to that.

Mr. HARRISON. Mr. President, may I say to the Senator from South Carolina that under my interpretation of the proposed agreement he has a right to offer his amendment at any time and have it be a pending amendment. The agreement will not preclude him from talking on the amendment.

Mr. BLEASE. But, as I understand the proposal of the Senator from Indiana, speeches on amendments from now on are to be limited to 5 minutes.

Mr. HARRISON. No; after 2 o'clock to-morrow.

Mr. WATSON. After 2 o'clock to-morrow afternoon.

Mr. BLEASE. I do not think I shall want to speak at all after that time.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. JOHNSON. Mr. President, I want to have the proposed agreement entirely clear, so that there will be no misunderstanding or mistake. After 2 o'clock to-morrow, as I understand, no further speeches shall be made upon the bill; and the only speeches shall be upon amendments, in duration five minutes—amendments that are pending at 2 o'clock.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That after the hour of 2 o'clock p. m. on to-morrow further debate on the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress is precluded, and no Senator may speak more than once or longer than 5 minutes upon any amendment that may be pending or any amendment that may be submitted and ordered to lie on the table prior to the hour of 2 o'clock p. m.

Mr. PITTMAN. Mr. President, is there an amendment pending now?

The VICE PRESIDENT. There is no amendment pending.

Mr. PITTMAN. I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

Mr. WATSON. Mr. President, I should like to ask——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. PITTMAN. I will yield after the amendment is stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On line 24, page 16, after the word "apportionment," it is proposed to insert "and by the method of equal proportions"; and in line 3, page 17, after the word "States," it is proposed to insert "under either method"; and in line 7, page 17, after the word "statement," it is proposed to insert "based upon the apportionment under the method used at the last preceding apportionment."

Mr. WATSON. Mr. President, will the Senator from Nevada yield for me to make a motion to go into executive session, and after that to take a recess?

Mr. PITTMAN. With the understanding, of course, that this amendment is pending.

Mr. LA FOLLETTE. Mr. President, I desire to be recognized very briefly in my own right, and I ask the Senator from Indiana to withhold his motion. I desire to discuss a matter which does not pertain to the pending bill, and it will not take me much more than a couple of minutes to explain it, and ask to have printed in the RECORD a decision of the Supreme Court of the United States.

Mr. WATSON. I yield, if I have the floor.

The VICE PRESIDENT. The Senator from Nevada has the floor. To whom does he yield?

Mr. PITTMAN. I understand that the effort at the present time is to go into executive session, looking to a recess or an adjournment——

Mr. WATSON. A recess.

Mr. PITTMAN. To which I have no objection. I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] desires to make a statement on another subject. I have no objection to that. I simply give notice that to-morrow morning I shall attempt to get the floor and discuss briefly this amendment.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

Mr. LA FOLLETTE. Mr. President, on March 22, 1928, the junior Senator from Utah [Mr. KING] introduced Senate Resolution 179, which was as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain question relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

That resolution was adopted on March 24, 1928.

On March 26, 1928, the Sergeant at Arms reported to the Senate as follows:

Mr. President, I have to report that, acting under the authority of a warrant issued by the Senate, I took Thomas W. Cunningham into custody this morning through my deputy. He appeared before Judge Dickinson and applied for a writ of habeas corpus, which was granted, and he was released on $1,000 bail, returnable on April 5, 1928.

Since that time, Mr. President, the matter has been pending in the courts.

On May 27 of this year Mr. Justice Sutherland delivered the opinion of the court in the case of David S. Barry, Sergeant at Arms of the United States Senate, and John J. McGrain, Deputy Sergeant at Arms, petitioners, against The United States of America ex rel. Thomas W. Cunningham, on writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

Mr. President, this opinion is worthy of the consideration of every Member of the Senate and of every Member of the House of Representatives as well, because it so clearly sustains the power of the Senate in the premises. I trust that there will be an early meeting of the special committee to make further report to the Senate upon this matter; and I ask that at the conclusion of my remarks there may be printed in the RECORD the decision of Mr. Justice Sutherland, delivered for the court.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SUPREME COURT OF THE UNITED STATES

No. 647. October term, 1928

David S. Barry, Sergeant at Arms of the United States Senate, and John J. McGrain, Deputy Sergeant at Arms, petitioners, *v.* The United States of America ex rel. Thomas W. Cunningham

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

[May 27, 1929]

Mr. Justice Sutherland delivered the opinion of the court:

The questions here presented for determination grow out of an inquiry instituted by the United States Senate in respect of the validity of the election of a United States Senator from Pennsylvania in November, 1926. The inquiry began before the election, immediately after the conclusion of the primaries, by the adoption of a resolution appointing a special committee to investigate expenditures, promises, etc., made to influence the nomination of any person as a candidate or promote the election of any person as a Member of the Senate at the general election to be held in November, 1926.

After the Pennsylvania primaries Cunningham was subpœnaed and appeared before this committee. Among other things he testified that he was a member of an organization which supported WILLIAM S. VARE for Senator at the primary election; that he had given to the chairman of the organization $50,000 in two installments of $25,000 each prior to the holding of the primaries. He had been clerk of a court for 21 years and was then receiving a salary of $8,000 a year. He paid the money to the chairman in cash, but refused to say where he obtained it except that he had not drawn it from a bank. He would not say how long the money had been in his possession; said he had never inherited any, but declined to answer whether he had made money in speculation. In short, he declined to give any information in respect of the sources of the money, insisting that it was his own and the question where he had obtained it was a personal matter. He further said that he had learned the trick from a former Senator of "saving money and putting it away and keeping it under cover"; that this Senator "was a past master in not letting his right hand know what his left had done, and he dealt absolutely in cash. The 'long green' was the issue."

Mr. VARE was nominated and elected at the succeeding November election. The special committee thereafter submitted a partial report in respect of Cunningham's refusal to testify. In January, 1927, VARE'S election having been contested by William B. Wilson upon the ground of fraud and unlawful practices in connection with the nomination and election, the Senate adopted a resolution further authorizing the special committee to take possession of ballot boxes, tally sheets, etc., and to preserve evidence in respect of the charges made by Wilson. In February, 1927, Cunningham was recalled and, questions previously put to him having been repeated, he again refused to give the information called for, as he had done at the first hearing.

At the opening of Congress in December, 1927, the Senate adopted an additional resolution, reciting, among other things, that there were numerous instances of fraud and corruption in behalf of VARE'S candidacy and that there had been expended in his behalf at the primary election a sum exceeding $785,000. Expenditure of such a large sum of money was declared to be contrary to sound public policy; and the special committee was directed to inquire into the claim of VARE to a seat in the Senate, to take evidence in respect thereto, and report to the Senate—in the meantime, it was resolved, VARE should be denied a seat in the Senate. By a subsequent resolution, the Committee on Privileges and Elections was directed to hear and determine the contest between VARE and Wilson.

The special committee, in March, 1928, reported its proceedings, including testimony given by Cunningham, recited his refusal to give information in response to questions, as hereinbefore set forth, and recommended that he be adjudged in contempt of the committee and of the Senate. The Senate, however, did not adopt the recommendation of the committee, but, instead, passed a resolution reciting Cunningham's contumacy and instructing the President to issue his warrant commanding the Sergeant at Arms or his deputy to take the body of Cunningham into custody, and to bring him before the bar of the Senate, "then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate." The warrant was issued and executed; and thereupon Cunningham brought a habeas corpus proceeding in the Federal District Court for the Eastern District of Pennsylvania.

In his petition for the writ of habeas corpus, Cunningham averred that he was arrested under the warrant by reason of an alleged contempt; and that, by reason of his refusal to disclose his private and individual affairs to the special committee, the Senate had illegally and without authority adjudged him to be in contempt and had issued its warrant accordingly. A return was made to the writ, denying that the Senate had adjudged Cunningham in contempt and, in substance, averring that the warrant by which he was held simply required that he be brought to the bar of the Senate to answer questions pertaining to the matter under inquiry, etc.

The district court, to which the return was made, after a hearing and consideration of written briefs and oral arguments, entered an order discharging the writ and remanding Cunningham to the custody of the Sergeant at Arms. A written opinion was handed down by Judge Dickinson, sustaining the power of the Senate to compel the attendance of witnesses under the circumstances above set forth, and holding that the Senate had not proceeded against Cunningham for a contempt; but by its resolution had required his arrest and production at the bar of the Senate, simply to answer questions pertinent to the matter under inquiry (25 F. (2d) 733).

Upon appeal, the court of appeals reversed the district court, holding that the arrest was in reality one for contempt, but, if it should be regarded as an arrest to procure Cunningham's attendance as a witness, it was void because a subpœna to attend at the bar of the Senate had not previously been served upon him, and that this was a necessary prerequisite to the issue of an attachment. Treating the proceeding as one for contempt, that court held that the information sought to be elicited and which Cunningham refused to give was not pertinent to the inquiry authorized to be made by the committee, and that Cunningham was justified in declining to answer the questions in respect thereof. Circuit Judge Woolley dissented, substantially adopting the view of the district court (29 F. (2d) 817).

The correct interpretation of the Senate's action is that given by the district judge and by Judge Woolley. It is true the special committee in its report to the Senate recited Cunningham's contumacy and recommended that he be adjudged in contempt, but the resolution passed by the Senate makes it entirely plain that this recommendation of the committee was not followed. The Senate resolution, after a recital of Cunningham's refusal to answer certain questions, directs that he be attached and brought before the bar of the Senate, not to show cause why he should not be punished for contempt, but "to answer such questions pertinent to the matter under inquiry as the Senate through its said committee or the President of the Senate may propound. * * *" We must accept this unequivocal language as expressing the purpose of the Senate to elicit testimony in response to questions to be propounded at the bar of the Senate, and the question whether the information sought to be elicited from Cunningham by the committee was pertinent to the inquiry which the committee had been directed to make may be put aside as immaterial.

It results that the following are the sole questions here for determination: (1) Whether the Senate was engaged in an inquiry which it had constitutional power to make; (2) if so, whether that body had power to bring Cunningham to its bar as a witness by means of a warrant of arrest; and (3) whether as a necessary prerequisite to the issue of such warrant of arrest a subpœna should first have been served and disobeyed.

First. Generally, the Senate is a legislative body, exercising in connection with the House only the power to make laws. But it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character. Among these is the power to judge of the elections, returns and qualifications of its own Members. (Art. I, sec. 5, cl. 1.) "That power carries with it authority to take such steps as may be appropriate and necessary to secure information upon which to decide concerning elections." (Reed v. County Commissioners, 277 U. S. 376, 388.) Exercise of the power necessarily involves the ascertainment of facts, the attendance of witnesses, the examination of such witnesses, with the power to compel them to answer pertinent questions, to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review. In exercising this power, the Senate may, of course, devolve upon a committee of its members the authority to investigate and report; and this is the general, if not the uniform, practice. When evidence is taken by a committee, the pertinency of questions propounded must be determined by reference to the scope of the authority vested in the committee by the Senate. But undoubtedly, the Senate, if it so determine, may in whole or in part dispense with the services of a committee and itself take testimony; and, after conferring authority upon its committee, the Senate, for any reason satisfactory to it and at any stage of the proceeding, may resume charge of the inquiry and conduct it to a conclusion or to such extent as it may see fit. In that event, the limitations put upon the committee obviously do not control the Senate; but that body may deal with the matter, without regard to these limitations, subject only to the restraints imposed by or found in the implications of the Constitution. We can not assume, in advance of Cunningham's interrogation at the bar of the Senate, that these restraints will not faithfully be observed. It sufficiently appears from the foregoing that the inquiry in which the Senate was engaged, and in respect of which it required the arrest and production of Cunningham, was within its constitutional authority.

It is said, however, that the power conferred upon the Senate is to judge of the elections, returns, and qualifications of its "Members," and, since the Senate had refused to admit VARE to a seat in the Senate or permit him to take the oath of office, that he was not a Member. It is enough to say of this, that upon the face of the returns he had been elected and had received a certificate from the governor of the State to that effect. Upon these returns and with this certificate he presented himself to the Senate, claiming all the rights of membership. Thereby, the jurisdiction of the Senate to determine the rightfulness of the claim was invoked and its power to adjudicate such right immediately attached by virtue of section 5 of Article I of the Constitution. Whether, pending this adjudication, the credentials should be accepted, the oath administered, and the full right accorded to participate in the business of the Senate was a matter within the discretion of the Senate. This has been the practical construction of the power by both Houses of Congress,[1] and we perceive no reason why we should reach a different conclusion. When a candidate is elected to either House, he of course is elected a Member of the body; and when that body determines, upon presentation of his credentials, without first giving him his seat, that the election is void, there would seem to be no real substance in a claim that the election of a "Member" has not been adjudged. To hold otherwise would be to interpret the word "Member" with a strictness in no way required by the obvious purpose of the constitutional provision, or necessary to its effective enforcement in accordance with such purpose, which, so far as the present case is concerned, was to vest the Senate with authority to exclude persons asserting membership who either had not been elected or, what amounts to the same thing, had been elected by resort to fraud, bribery, corruption, or other sinister methods having the effect of vitiating the election.

Nor is there merit in the suggestion that the effect of the refusal of the Senate to seat VARE pending investigation was to deprive the State of its equal representation in the Senate. The equal representation clause is found in Article V, which authorizes and regulates amendments to the Constitution, "provided, * * * that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This constitutes a limitation upon the power of amendment and has nothing to do with a situation such as the one here presented. The temporary deprivation of equal representation which results from the refusal of the Senate to seat a Member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of a constitutional power and no more deprives the State of its "equal suffrage" in the constitutional sense than would a vote of the Senate vacating the seat of a sitting Member or a vote of expulsion.

[1] Among the typical cases in the House, where that body refused to seat Members in advance of investigation although presenting credentials unimpeachable in form, was that of Roberts, in the fifty-sixth Congress, where it was so decided after full debate by a vote of 268 to 50. (CONGRESSIONAL RECORD, vol. 33, pt. 2, p. 1217.)

It was stated at the bar in this case that the Senate in 29 cases had, in advance of investigation, seated persons exhibiting prima facie credentials, and in 16 cases had taken the opposite course of refusing to seat such persons before investigation and determination of charges challenging the right to the seat.

Second. In exercising the power to judge of the elections, returns, and qualifications of its Members, the Senate acts as a judicial tribunal, and the authority to require the attendance of witnesses is a necessary incident of the power to adjudge, in no wise inferior under like circumstances to that exercised by a court of justice. That this includes the power in some cases to issue a warrant of arrest to compel such attendance, as was done here, does not admit of doubt. (McGrain v. Daugherty, 273 U. S. 135, 160, 180.) That case dealt with the power of the Senate thus to compel a witness to appear to give testimony necessary to enable that body efficiently to exercise a legislative function; but the principle is equally, if not a fortiori, applicable where the Senate is exercising a judicial function.

Third. The real question is not whether the Senate had power to issue the warrant of arrest but whether it could do so under the circumstances disclosed by the record. The decision of the court of appeals is that, as a necessary prerequisite to the issue of a warrant of arrest, a subpœna first should have been issued, served, and disobeyed. And undoubtedly the courts recognize this as the practice generally to be followed. But undoubtedly also a court has power in the exercise of a sound discretion to issue a warrant of arrest without a previous subpœna when there is good reason to believe that otherwise the witness will not be forthcoming. A statute of the United States (U. S. C. title 28, sec. 659) provides that any Federal judge, on application of the district attorney, and being satisfied by proof that any person is a competent and necessary witness in a criminal proceeding in which the United States is a party or interested, may have such person brought before him by a warrant of arrest, to give recognizance, and that such person may be confined until removed for the purpose of giving his testimony, or until he gives the recognizance required by said judge. The constitutionality of this statute apparently has never been doubted. Similar statutes exist in many of the States and have been enforced without question.

United States v. Lloyd (4 Blatchf. 427) was a case arising under the Federal statute. The validity of the statute was not doubted, although the witness was held under peculiar conditions of severity, because of which the court allowed him to be discharged upon his own recognizance in the sum of $1,000.

In State of Minnesota ex rel. v. Grace (18 Minn. 398) a similar statute was upheld and applied in the case of a material witness where it was claimed that there was good reason to believe that he would leave the State before the trial and not return to be present at the time of such trial. The court, using the words of Lord Ellenborough in Bennett v. Watson, 3 Maule & Selwyn 1, said (p. 402): "The law intends that the witness shall be forthcoming at all events, and it is a lenient mode which it provides to permit him to go at large upon his own recognizance. However, this is only one mode of accomplishing the end, which is his due appearance." The witness, however, was discharged because of an entire absence of proof of any intention on his part not to appear and testify.

The comment of the court in Crosby v. Potts (8 Ga. App. 463, 468) is peculiarly apposite:

"It is a hardship upon one whose only connection with a case is that he happens to know some material fact in relation thereto that he should be taken into control by the court and held in the custody of the jailer unless he gives bond (which, from poverty, he may be unable to give), conditioned that he will appear and testify; but the exigencies of particular instances do often require just such stringent methods in order to compel the performance of the duty of the witness's appearing and testifying. There are many cases in which an ordinary subpœna would prove inadequate to secure the presence of the witness at the trial. The danger of punishment for contempt on account of a refusal to appear is sometimes too slight to deter the witness from absenting himself; especially is this true where there are but few ties to hold the witness in the jurisdiction where the trial is to be held, and there are reasons why he desires not to testify; for when once he has crossed the State line, he is beyond the grasp of any of the court's processes to bring him to the trial or to punish him for his refusal to answer to a subpœna. We conclude, therefore, that since the law manifestly intends that the courts shall have adequate power to compel the performance of the respective duties falling on those connected in anywise with the case, it may, where the exigencies so require, cause a witness to be held in custody, and in jail if need be, unless he gives reasonable bail for his appearance at the trial."

See also Ex parte Sheppard (43 Tex. Cr. Rep. 372); Chamberlayne, Modern Law of Evidence, section 3622.

The rule is stated by Wharton, 1 Law of Evidence, section 385, that where suspicions exist that a witness may disappear, or be spirited away, before trial, in criminal cases, and when allowed by statute in civil cases, he may be held to bail to appear at the trial and may be committed on failure to furnish it, and that such imprisonment does not violate the sanctions of the Federal or State constitutions.

The validity of acts of Congress authorizing courts to exercise the power in question thus seems to be established. The Senate, having sole authority under the Constitution to judge of the elections, returns, and qualifications of its Members, may exercise in its own right the inci-

dental power of compelling the attendance of witnesses without the aid of a statute. (Cf. Reed *v.* County Commissioners, supra, p. 388.) The following appears from the report of the committee to the Senate upon which the action here complained of was taken: "A subpœna was issued for his appearance early in June. A diligent search failed to locate him. Finally, Representative GOLDER, of the fourth district of Pennsylvania, communicated with the committee, stating that Cunningham would accept service. His whereabouts was disclosed and he was served." Upon examination by the committee he repeatedly refused to answer questions which the committee deemed relevant and of great importance, not upon the ground that the answers would tend to incriminate him but that they involved personal matters. These questions have already been recited, and it is impossible for us to say that the information sought and refused would not reflect light upon the validity of VARE'S election.

It is not necessary to determine whether the information sought was pertinent to the inquiry before the committee, the scope of which was fixed by the provisions of the Senate resolution. But it might well have been pertinent in an inquiry conducted by the Senate itself, exercising the full, original, and unqualified power conferred by the Constitution. If the Senate thought so, and, from the facts before it reasonably believing that this or other important evidence otherwise might be lost, issued its warrant of arrest, it is not for the court to say that in doing so the Senate abused its discretion. The presumption in favor of regularity, which applies to the proceedings of courts, can not be denied to the proceedings of the Houses of Congress, when acting upon matters within their constitutional authority. It fairly may be assumed that the Senate will deal with the witness in accordance with well-settled rules and discharge him from custody upon proper assurance, by recognizance or otherwise, that he will appear for interrogation when required. This is all he could properly demand of a court under similar circumstances.

Here the question under consideration concerns the exercise by the Senate of an indubitable power; and if judicial interference can be successfully invoked it can only be upon a clear showing of such arbitrary and improvident use of the power as will constitute a denial of due process of law. That condition we are unable to find in the present case.

Judgment reversed.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress.

Mr. BLEASE. Mr. President, I desire to offer three short amendments to the pending bill, and ask that they be considered as pending.

The VICE PRESIDENT. The amendments may be printed and lie on the table. There is one amendment pending. The Chair is informed that the amendments have already been printed.

Mr. KING. Mr. President, I thought I apprehended the agreement that has just been entered into; but, to be certain, amendments may be offered the first thing in the morning, I presume?

The VICE PRESIDENT. That is the understanding of the Chair.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. WATSON. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 29, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 28 (legislative day of May 16), 1929

SPECIAL COUNSEL

William Scallon, of Helena, Mont., to be special counsel, employed to prosecute proceedings to assert and establish the title of the United States to sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian, within the exterior limits of naval reserve No. 1 in the State of California, and to prosecute any suit or suits ancillary thereto or necessary or desirable, under the provisions of Public Resolution No. 6, approved February 21, 1924.

CONFIRMATIONS

Nominations confirmed by the Senate May 28 (legislative day of May 16), 1929

ASSISTANT ATTORNEY GENERAL

Charles P. Sisson.

MEMBER OF THE UNITED STATES SHIPPING BOARD

Roland K. Smith.

UNITED STATES MARSHAL

Charles H. Rawlinson, western district of Wisconsin.

MEMBERS OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Harleigh H. Hartman.
Mason M. Patrick.

COAST GUARD

Rutherford B. Lank, jr., to be constructor.
Dale R. Simonson to be constructor.

APPOINTMENTS IN THE ARMY

Alfred Alexandre de Lorimier to be first lieutenant, Medical Corps.

John William Westerman to be chaplain with the rank of first lieutenant.

Joseph Oscar Ensrud to be chaplain with the rank of first lieutenant.

AIR CORPS

To be second lieutenants

Robert Edward Lee Choate.
Edwin Roland French.
Milton Hamilton Anderson.
John Williams Persons.
William Chamberlayne Bentley, jr.
Sam Williamson Cheyney.
Clarence Kennedy Roath.
Kenneth Austin Rogers.
Max Harrelson Warren.
Robert Kirkland Black.
Edwin Lee Tucker.
Ralph Columbus Rhudy.
Emery Jamison Martin.
Issac William Ott.
Elwell Adolphus Sanborn.
Edward Holmes Underhill.
Trenholm Jones Meyer.
John Joseph Keough.
William Houston Maverick.
William Pryor Sloan.
George Frost Kinzie.
Harry Johnson Zimmerman.
Albert Boyd.
James Wayne McCauley.
Thomas Robert Starratt.
Edward Harrison Alexander.
Frank Alton Armstrong, jr.
William Albert Matheny.
John Patrick Kenny.
Lambert Spencer Callaway.
Ralph Aldrich Murphy.
Reginald Franklin Conroy Vance.
William Lecel Lee.
David Dunbar Graves.
Allen Joslyn Mickle.
Haywood Shepherd Hansell, jr.
William Truman Colman.
Paul Mueller Jacobs.
Dudley Durward Hale.
Kenneth Clinton Brown.
Harley Ray Grater.
Herbert Leonard Grills.
Russell Allan Cone.
Benjamin Scovill Kelsey.
Thomas Lee Mosley.
Raymond Lloyd Winn.
Leonard Franklin Harman.
Kingston Eric Tibbetts.
Richard Henry Lee.
Robert Wilson Stewart.
Lewis R. Parker.
Walter Archibald Fenander.
William Maurice Morgan.
Richard Irvine Dugan.
Edwin Minor Day.
Jack Weston Wood.
Charles Dibrell Fator.
James Herbert Wallace.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Beverly Carndine Snow to be first lieutenant, Corps of Engineers.

Louis Watkins Prentiss to be first lieutenant, Corps of Engineers.

James Dunne O'Connell to be first lieutenant, Signal Corps.

Woodbury Freeman Pride to be captain, Field Artillery.

Paul Louis Singer to be captain, Infantry.

Cecil Ernest Henry to be first lieutenant, Air Corps.

Kenneth Perry McNaughton to be second lieutenant, Air Corps.

James Arthur Willis, jr., to be second lieutenant, Air Corps.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

David Harmony Biddle to be colonel, Cavalry.

William Frederic Holford Godson to be colonel, Cavalry.

Charles Lewis Scott to be lieutenant colonel, Quartermaster Corps.

James Saye Dusenbury to be lieutenant colonel, Coast Artillery Corps.

Gordon de Lanney Carrington to be major, Coast Artillery Corps.

William Edward Lucas, jr., to be major, Infantry.

Arthur Penick Moore to be captain, Field Artillery.

Clifford Gordon Kershaw to be captain, Infantry.

Harry Daniels Scheibla to be captain, Infantry.

Edmund Mortimer Gregorie to be captain, Infantry.
Robert Virgil Laughlin to be captain, Infantry.
Bernard Francis Luebbermann to be first lieutenant, Field Artillery.
Peter Wesley Shunk to be first lieutenant, Coast Artillery Corps.
George Curnow Claussen to be first lieutenant, Cavalry.
James Frederick Howell to be first lieutenant, Coast Artillery Corps.
Russell Layton Mabie to be first lieutenant, Field Artillery.
Ewing Hill France to be first lieutenant, Infantry.
Rae Ellsworth Houke to be major, Medical Corps.
William Porter Moffet to be colonel, Cavalry.
Lloyd Burns Magruder to be lieutenant colonel, Coast Artillery Corps.
Victor Parks, jr., to be major, Chemical Warfare Service.
James Harold McDonough to be captain, Infantry.
Lewis Sheppard Norman to be captain, Infantry.
William John Eyerly to be first lieutenant, Field Artillery.
George Dunbar Pence to be first lieutenant, Field Artillery.
Murray Bradshaw Crandall to be first lieutenant, Cavalry.
Walter Leland Richards to be major, Medical Corps.
Charles Roland Glenn to be major, Medical Corps.

POSTMASTERS

KANSAS

Fay Biggs, Barnard.
Estella Emrich, Longford.

MARYLAND

John Rankin, Western Port.

MINNESOTA

Bennie J. Huseby, Adams.
Wallace W. Towler, Annandale.
Charles C. Tolman, Paynesville.

NEW JERSEY

De Wilton L. Anderson, Garfield.
Sealah P. Clark, Pitman.

VIRGINIA

James B. Dyson, Crewe.
Willie R. Hall, Heathsville.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 28, 1929*

The House met at 12 o'clock noon.

Bishop William F. McDowell, of the Methodist Episcopal Church, offered the following prayer:

Almighty God, for this morning we ask of Thee the privilege of coming before Thee with our personal wants and necessities, our sins, our cares, our anxieties, and we ask also that we may bring before Thee our families and their interests and concerns. There are those of us here who are trying bravely to do our public duty, carrying all the time personal griefs and cares and burdens. There are those who have come this morning from homes of sickness and sorrow. Faces rise before us and names leap to our lips as we pray. O Lord, our Father, think of us this morning as a company of Thy children, with all of the cares and trials and temptations and burdens that belong to us just as human beings. Help us to bear them all; help us to bear them bravely; help us to go about our tasks to-day without a whimper; help us, O God, to live as becomes the children of God. Give peace to those for whom we pray. Give comfort to those who are ill and comfort to those who are bereaved. We bring our personal lives before Thee this morning, O God, our Father, and ask Thee to bless us, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACCEPTANCE OF STATUE OF WADE HAMPTON

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of a House concurrent resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 8

Resolved by the House of Representatives (the Senate concurring), That the statue of Wade Hampton, by F. W. Ruckstuhl, presented by the State of South Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his services to his country. Second, that a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of South Carolina.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to place in the RECORD an article by Mr. Carl L. W. Meyer, of the Library of Congress, on the subject of intervals between elections and the meeting of parliaments, including our own.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an article by Mr. Meyer. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

VENTILATION OF HOUSE CHAMBER

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. It is more in the way of calling attention to the fact that the atmosphere is too cool in this room. On yesterday it was 75 by the thermometer in this room and 91 on the outside. Fifteen or twenty degrees difference between the atmosphere in this room and on the outside is too much. I do not know who has charge of this, but I suggest that whoever is conducting this ventilation is making a mistake in pumping too much cooled air into this room when it is so warm on the outside.

Mr. LAGUARDIA. It is well to have some cool air here during this discussion.

Mr. RANKIN. This is regular Republican atmosphere, and it is enough to kill anybody if it continues. [Applause.]

CALENDAR WEDNESDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business to-morrow be dispensed with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Calendar Wednesday business to-morrow be dispensed with. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I also ask unanimous consent that such bills as may be reported from the Committee on Ways and Means with a unanimous report may be considered to-morrow.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that such bills as the Ways and Means Committee may report unanimously may be considered to-morrow. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not intend to object to this request—the gentleman from Connecticut a moment ago asked me about the consideration of some bills on which hearings will be held to-morrow morning at 10 o'clock by the Ways and Means Committee. I did not feel at liberty to enter into an agreement that any bills be considered except those reported by the unanimous vote of that committee. I can not see any objection to the consideration of bills reported by that committee when they have the unanimous report of the committee, but this does not bind any other Member of the House from exercising his right to object.

Mr. STAFFORD. Will the leader of the House kindly give information to the House as to what bills are likely to be considered to-morrow?

Mr. TILSON. There are three bills which have been introduced in the House—I think they were introduced yesterday—and referred to the Committee on Ways and Means for their consideration. As I understand, that committee will consider these bills to-morrow forenoon and it is expected that they will be reported and placed on the calendar when we convene to-morrow.

Mr. STAFFORD. What is the nature of the bills?

Mr. TILSON. The best way to secure the information would be to examine the bills, but I can give the gentleman information about at least two of them. One is a resolution authorizing the Secretary of the Treasury to withhold his demand on August 1 for $400,000,000 from France in case that prior to August 1 the French Government has ratified the Mellon-Berenger agreement.

Another embodies some needed legislation in connection with making fiscal arrangements for our June 15 financing. I am told that if the Treasury is allowed to sell certain bills it will be able to save considerable money in the next fiscal operation. The entire matter, of course, is to be brought to the attention of the Ways and Means Committee to-morrow and more detailed information will be brought out at that time.